

**FISCAL NOTE**  
**Requested by Legislative Council**  
**03/28/2017**

Amendment to: SB 2135

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>			\$24,000			
<b>Appropriations</b>			\$13,000			

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill creates an initiated and referred measure study commission

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The commission consists of 6 legislators and 13 other members and is to meet at least 4 times during the 2017-18 interim.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The legislative members would be paid compensation and expense reimbursement from the Legislative Council. The bill does not designate which agency is responsible for paying expense reimbursement for the other commission members. The amount shown reflects compensation and expense reimbursement for legislative members for 4 meetings and expense reimbursement for the 13 other members for 4 meetings.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Additional funding is not needed in the Legislative Council budget for paying the legislative members. The amount shown is the funding that would need to be added to the agency's budget that would be responsible for paying the non-legislative members of the commission. The bill does not identify which agency is responsible for paying the non-legislative members.

**Name:** Allen Knudsion

**Agency:** Legislative Council

**Telephone:** 328-2916

**Date Prepared:** 03/28/2017



**FISCAL NOTE**  
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- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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Counties			
Cities			
School Districts			
Townships			

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The legislative members would be paid compensation and expense reimbursement from the Legislative Council. The bill does not designate which agency is responsible for paying expense reimbursement for the other commission members. The amount shown reflects compensation and expense reimbursement for legislative members for 4 meetings and expense reimbursement for the 13 other members for 4 meetings.

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Additional funding is not needed in the Legislative Council budget for paying the legislative members. The amount shown is the funding that would need to be added to the agency's budget that would be responsible for paying the non-legislative members of the commission. The bill does not identify which agency is responsible for paying the non-legislative members.

**Name:** Allen Knudsion

**Agency:** Legislative Council

**Telephone:** 328-2916

**Date Prepared:** 03/28/2017

**2017 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2135**

# 2017 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB 2135  
1/13/2017  
Job Number 26871

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

### Minutes:

Attachments: 1-7

**Chairman Poolman:** Opened the hearing on SB 2135.

**Senator Hogue, District 38:** See Attachment # 1 for testimony to introduce and in support of the bill.

**(8:00) Chairman Poolman:** You are looking at improving this process and by no means is this commission going to try to get rid of this process or having that be a discussion point correct?

**Senator Hogue:** No. The charge of the committee is to study and looking at what other states are doing. They have no power to make any changes. All they can do is come back to the next legislative session and suggest changes. My hope is that, if they make changes, there will be a consensus among all of those shareholders.

**Senator Marcellais:** How would you feel about appointing someone with Tribal Nations?

**Senator Hogue:** I do not have a problem with that either. My objective is trying to be inclusive and getting as much participation from grass roots organizations within the state.

**(10:05) Nick Archuleta, President, North Dakota United:** See Attachment #2 for testimony in support of the bill with the request to have our organization added to the bill.

**(12:30) Andy Peterson, Greater North Dakota Chamber:** Stood in support of the bill. We have been involved with a lot of these measures and I think everything that we do we can do better. This is not to take away or limit the power of the people. It is to have the people have a stronger and better voice. I think we can address this issue and be inclusive as possible. It is about us and making North Dakota greater!

**(13:50) Kayla Pulvermacher, North Dakota Farmers Union:** Testified in support of the bill. Our main objective is to preserve the process for the citizens of North Dakota. Our organization believes in trying the legislative process before taking it to the people and we have the experience through multiple initiated measures and from last year's referral of the corporate farming law. We believe that we will be a great partner in this process.

**Pete Annovate, North Dakota Farm Bureau:** Testified in support of the bill. We have also been asked to serve on this and we are happy to. Obviously the system is not perfect and we are happy to look into it. We are not saying that it is going to be thrown out and we are not saying that we are going to preserve it perfectly the way that it is. We have been on both sides of it with lots of measures and we are happy to be involved with the process that looks into it.

**(15:40) Renee Stromme, North Dakota Women's Network:** Testified in somewhat neutral position on the bill. I do think studying something is worthwhile. I also wonder if we could just open up the opportunity to add other organizations as appropriate instead of identifying from the front end. We as an organization have been involved mostly trying to defeat initiated measures and as a small organization with minimal resources we may be another organization that could be useful to this opportunity.

**Chairman Poolman:** Moved to opposition of the bill.

**(16:50) Waylon Hedegaard, President, ND AFL-CIO:** See Attachment #3 for testimony in opposition to the bill. I would remove my opposition if more groups were represented.

**(19:55) Kent French, North Dakota Citizen:** See Attachment #4 for testimony in opposition to the bill.

**(25:32) Senator Bekkedahl:** I understand the reservations that you have with the bill, but you automatically take the conclusion that it will be detrimental versus a study that could be an improvement in the process. You are telling us that no matter what the study does it is going to bad for the process and bad for the citizens, is that you take?

**Kent French:** My take is, on government, if we were away from here and we were out having coffee we would talk about government past and present and once government gets the foot in the door and starts making changes, it goes from there. You have talked about different groups being represented on the board, and the only people not being talked about are the voters. I represent the voters of North Dakota and not an agency or organization.

**Senator Bekkedahl:** I appreciate that as well and I represent the voters too. I think we are in the same pool here.

**Kent French:** My intent is not to offend you. You all have to go home and justify your votes.

**Chairman Poolman:** I love the initiated measure process and the grass roots. I love that people get to come forward especially in times to tell the legislature that we made a mistake. Would it make you feel better if we put something into the bill to reassure voters that this



commission is not looking at making that process more difficult from the citizen side. I have concern on the government side when we have not proofread the 34 pages and now we have all sorts of contradictory language and not only has no one read it that has voted on it but now we have to deal with really problematic language. Is that something that would help the blow of passing a bill like this? The intention is not to by any means to make it more difficult on the citizen's side of things.

**Kent French:** I appreciate that and I understand. We the voters don't get to meet. The only time we get to do anything is after the fact. If I would not have shown up on this bill to tell you how I think the voters feel on this, I do not think the voters would not have had a voice. The output of what you are going to get out of having this committee is exactly what you want. We all know that the outcome is going to be the same as the input into the committee. We cannot accept this bill. What we have here is not what we can accept. We don't know what the real intentions of the bill are. I know Senator Hogue and I know that he is really a responsible Senator but what about after him? What happens?

**(31:30) Senator Heckaman, District 23:** See Attachment #5 for testimony in concern of the bill and attachment #6 for a proposed amendment to the bill.

**(34:30) Dustin Gawrylow, North Dakota Watchdog Network:** See Attachment #7 for testimony in opposition to the bill. Discussed another bill that is being introduced to the legislature along the same subject. Overall my issue is that it is a slippery slope.

**(40:55) Casey Buchmann, North Dakota Citizen:** Testified in opposition to the bill. I am a concerned citizen. I want the state legislature to look in the mirror and realize why we have so many initiatives, and it is exactly because you are not listening to people. In my opinion, when you guys do not get your way you get mad and you just throw a tantrum. That is the way I look at it from the outside. Please don't take no offense. I don't know any of you personally. I went and talked to people that I know about this bill. Have you talked to more than 50% of your members (looking at others in the room)? If you have done that then you are here representing them. This is a very slippery slope. This is what happens when there is one party rule. It has existed too long. They think they know what is best for our state but they do not listen. My concern is that you are taking my voice and vote and sweeping it under the rug. I am sick and tired of the people's vote being pushed down. The \$50,000 concerns me. I thought we were supposed to reduce the budget and making cuts. The people of North Dakota get conditioned by the powers that be.

**Chairman Poolman:** Closed the hearing on SB 2135.

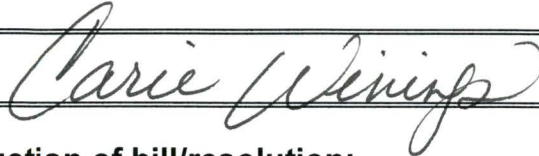
# 2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Sheyenne River Room, State Capitol

SB 2135  
1/20/2017  
Job Number 27174

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

## Minutes:

Attachments: 1-2

**Chairman Poolman:** Opened SB 2135 for committee discussion. (Reminds committee of what the bill is about) See Attachment #1 for proposed amendment from Senator Hogue. It addresses the concern that Senator Heckaman's concern that there is not a large enough minority population on the committee.

(1:33) The committee reviews what attachment #1 would do.

**(2:50) Chairman Poolman:** I think this is a good amendment and I do like to lower the amount of legislators. We get our say here and we really want to make sure that anything we talk about in terms of the initiated measure process is dominated by non-legislators. I think that is an important piece of the puzzle.

**Senator Meyer:** Were there going to be any other appointments by the Governor.

**Chairman Poolman:** We will get to that.

**Senator Meyer:** Moved Amendment 17.0399.04001.

**Senator Vedaa:** Seconded.

**A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.**

**Motion Carried.**

**(4:22) Chairman Poolman:** See Attachment #2 for an additional amendment proposed to the committee from Senator Hogue.



When Senator Hogue brought to me the previous amendment I expressed to him the concerns that we heard about making sure that everyday citizens have a really good portion on this committee. So I mentioned that I thought it would be good to increase the number of appointments from the Governor. People that don't represent a certain organization or maybe don't have a lot of experience with the initiated measure process or maybe people who have.

**(5:25) Chairman Poolman:** Reviews what second amendment would do.

**(6:00) Senator Vedaa:** Moved Amendment 17.0399.04002.

**Senator Meyer:** Seconded.

**A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.**

**Motion Carried.**

**(6:53) Senator Poolman:** There is one more amendment that I would like to offer here in committee. We heard from two labor organizations that wanted labor to be represented. Both, North Dakota United and the AFLCIO and so I would like to add a member appointed by North Dakota United. We have Farm Bureau, Farmer's Union, the newspapers, the chamber and I think a good balance would be to have one labor rep as well. I would entertain a motion to do that.

**Senator Meyer:** Moved to Amend to include North Dakota United by adding a letter (i.) after line 8, (h.), that says "One individual appointed by North Dakota United".

**Senator Vedaa:** Seconded.

**(8:35) Committee Discussion:** The committee discussed the total number of members that would include due to the concern that they did not want an even number. It was determined that the total would be 13 members.

**A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.**

**Motion Carried.**

**Chairman Poolman:** Asked the committee if there was any other discussion and the committee determined that they would like to wait and see the bill with those amendments added into the bill. Closed the discussion on SB 2135.



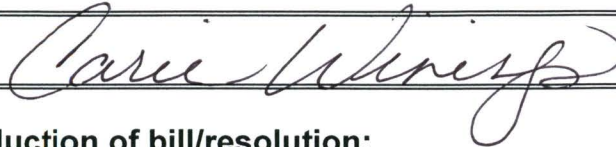
# 2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Sheyenne River Room, State Capitol

SB 2135  
1/26/2017  
Job Number 27442

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

## Minutes:

Attachments: 1

**Chairman Poolman:** Opened SB 2135 for committee discussion. (See Attachment #1 for a copy of the bill with the amendments applied.) We had discussed the need to reduce the number of legislators on the committee and to ensure that we had someone from the minority party. Instead of 2 Senators and 2 Representatives, now it is just 3 members of the legislative assembly and at least one of whom is from the minority. They will be appointed by legislative management. We have added a member of a Tribal Nation at the request of Senator Marcellais. We heard from a number of citizens that were concerned that it would be dominated by legislators or what they perceived to be insiders and so we have increased the number of appointees from the Governor and we have called them citizen members. Hopefully the intent there will be clear for the Governor to appoint people who are not really associated with any organization, and in addition to the organizations that were represented. We felt that it was important to have a labor oriented representative, and so we added North Dakota United. Senator Hogue talked about the need to reduce the fiscal note on this and so he talked to a number of the people who would be either serving on this committee or would be appointing the people on this committee and they were willing to do that free of charge. \$25,000 is our new fiscal note because many of these people will not be reimbursed for their time or travel. Is there anything else that we need to discuss?

**Senator Bekkedahl:** Moved a Do Pass As Amended and Rerefer to Appropriations.

**Senator Meyer:** Seconded.

**A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.**

**Motion Carried.**

**Senator Meyer will carry the bill.**

# 2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Sheyenne River Room, State Capitol

SB 2135  
1/27/2017  
Job Number 27533

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

## Minutes:

Attachments: 1

**Chairman Poolman:** Opened SB 2135 for committee discussion. We have a request to further amend this bill.

**Senator Meyer:** Moved to Reconsider SB 2135.

**Senator Bekkedahl:** Seconded.

**A Voice Vote Was Taken and All Were in Favor.**

**Motion Carried.**

**Chairman Poolman:** Senator Hogue had approached me after we considered this bill and he asked us to further amend this bill. We will have to vote one more time on the amendments that we already put on this bill.

**Senator Bekkedahl:** Moved to Amend with 17.0399.04003 title 05000.

**Senator Meyer:** Seconded.

**A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.**

**Motion Carried.**

**Senator Bekkedahl:** Moved to Further Amend by adding Section 3 Emergency Clause.

**Senator Meyer:** Seconded.

**A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.**

**Motion Carried.**

**Senator Meyer:** Moved a Do Pass As Amended and Rerefer to Appropriations.

**Senator Vedaa:** Seconded.

**A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.**

**Motion Carried.**

**Senator Meyer will carry the bill.**

January 17, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2135

Page 2, line 1, remove "Two members of the house of representatives appointed by the majority leader of"

Page 2, line 2, replace "the house of representatives" with "Three members of the legislative assembly, at least one of whom is a member of the minority party, appointed by the legislative management"

Page 2, line 3, replace "Two senators appointed by the majority leader of the senate" with "One member of a tribal nation appointed by the executive director of the Indian affairs commission"

Page 2, line 18, replace "\$50,000" with "\$25,000"

Renumber accordingly

17.0399.04002  
Title.

Prepared by the Legislative Council staff for  
Senator Hogue  
January 18, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2135

Page 2, line 4, replace "One individual" with "Three citizen members"

Renumber accordingly

January 26, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2135

Page 2, line 1, remove "Two members of the house of representatives appointed by the majority leader of"

Page 2, line 2, replace "the house of representatives" with "Three members of the legislative assembly, at least one of whom is a member of the minority party, appointed by the legislative management"

Page 2, line 3, replace "Two senators appointed by the majority leader of the senate" with "One member of a tribal nation appointed by the executive director of the Indian affairs commission"

Page 2, line 4, replace "One individual" with "Three citizen members"

Page 2, line 7, remove "and"

Page 2, line 8, after "union" insert "; and"

i. One individual appointed by North Dakota United"

Page 2, line 18, replace "\$50,000" with "\$25,000"

Renumber accordingly



January 27, 2017

CR  
1/27/17

PROPOSED AMENDMENTS TO SENATE BILL NO. 2135

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriation" insert "; and to declare an emergency"

Page 2, line 1, remove "Two members of the house of representatives appointed by the majority leader of"

Page 2, line 2, replace "the house of representatives" with "Three members of the legislative assembly, at least one of whom is a member of the minority party, appointed by the legislative management"

Page 2, line 3, replace "Two senators appointed by the majority leader of the senate" with "One member of a tribal nation appointed by the executive director of the Indian affairs commission"

Page 2, line 4, replace "One individual" with "Three citizen members"

Page 2, line 7, remove "and"

Page 2, line 8, after "union" insert "; and"

i. One individual appointed by North Dakota United"

Page 2, line 18, replace "\$50,000" with "\$25,000"

Page 2, after line 21, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1/20  
Roll Call Vote #:

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 17.0399.04001

Recommendation: ☒ Adopt Amendment

☐ Do Pass ☐ Do Not Pass

☐ Without Committee Recommendation

☐ As Amended

☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions:

☐ Reconsider

☐

Motion Made By Meyer Seconded By Vedaa

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	<input checked="" type="checkbox"/>		Senator Marcellais	<input checked="" type="checkbox"/>	
Vice Chairman Davison	<input checked="" type="checkbox"/>				
Senator Bekkedahl	<input checked="" type="checkbox"/>				
Senator Meyer	<input checked="" type="checkbox"/>				
Senator Vedaa	<input checked="" type="checkbox"/>				

Total (Yes) 5 No 0

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 1/20  
Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 17.0399. 04002

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Vedaa Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	<input checked="" type="checkbox"/>		Senator Marcellais	<input checked="" type="checkbox"/>	
Vice Chairman Davison	<input checked="" type="checkbox"/>				
Senator Bekkedahl	<input checked="" type="checkbox"/>				
Senator Meyer	<input checked="" type="checkbox"/>				
Senator Vedaa	<input checked="" type="checkbox"/>				

Total (Yes) 5 No 0

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1/20  
Roll Call Vote #: 3

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description:

Recommendation:

☒ Adopt Amendment

☐ Do Pass

☐ Do Not Pass

☐ Without Committee Recommendation

☐ As Amended

☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions:

☐ Reconsider

☐

Motion Made By

Meyer

Seconded By

Vedaa

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	<input checked="" type="checkbox"/>		Senator Marcellais	<input checked="" type="checkbox"/>	
Vice Chairman Davison	<input checked="" type="checkbox"/>				
Senator Bekkedahl	<input checked="" type="checkbox"/>				
Senator Meyer	<input checked="" type="checkbox"/>				
Senator Vedaa	<input checked="" type="checkbox"/>				

Total

(Yes)

5

No

0

Absent

1

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 1/26  
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☒ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Bekkedahl Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	<input checked="" type="checkbox"/>		Senator Marcellais	<input checked="" type="checkbox"/>	
Vice Chairman Davison	<input checked="" type="checkbox"/>				
Senator Bekkedahl	<input checked="" type="checkbox"/>				
Senator Meyer	<input checked="" type="checkbox"/>				
Senator Vedaa	<input checked="" type="checkbox"/>				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Meyer

If the vote is on an amendment, briefly indicate intent:

Date: 1/27  
Roll Call Vote #:

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☒ Reconsider ☐ \_\_\_\_\_

Motion Made By Meyer Seconded By Bekkedahl

Voice vote

Senators	Yes	No	Senators	Yes	No
Chairman Poolman			Senator Marcellais		
Vice Chairman Davison					
Senator Bekkedahl					
Senator Meyer					
Senator Vedaa					

All in favor

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 1/27  
Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 17.0399.04003 05000

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Bekkedahl Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	<input checked="" type="checkbox"/>		Senator Marcellais	<input checked="" type="checkbox"/>	
Vice Chairman Davison	<u>Ab</u>				
Senator Bekkedahl	<input checked="" type="checkbox"/>				
Senator Meyer	<input checked="" type="checkbox"/>				
Senator Vedaa	<input checked="" type="checkbox"/>				

Total (Yes) 5 No 0

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1/27  
Roll Call Vote #: 3

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

Senate Government and Veterans Affairs Committee

☐ Subcommittee Section 3

Amendment LC# or Description: to add emergency clause

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Bekkedahl Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	<u>/</u>		Senator Marcellais	<u>/</u>	
Vice Chairman Davison	<u>Ab</u>				
Senator Bekkedahl	<u>/</u>				
Senator Meyer	<u>/</u>				
Senator Vedaa	<u>/</u>				

Total (Yes) 5 No 0

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1/27  
Roll Call Vote #: 4

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

Senate Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☒ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Meyer Seconded By Vedaa

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	<input checked="" type="checkbox"/>		Senator Marcellais	<input checked="" type="checkbox"/>	
Vice Chairman Davison	<input checked="" type="checkbox"/>				
Senator Bekkedahl	<input checked="" type="checkbox"/>				
Senator Meyer	<input checked="" type="checkbox"/>				
Senator Vedaa	<input checked="" type="checkbox"/>				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Meyer

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2135: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2135 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriation" insert "; and to declare an emergency"

Page 2, line 1, remove "Two members of the house of representatives appointed by the majority leader of"

Page 2, line 2, replace "the house of representatives" with "Three members of the legislative assembly, at least one of whom is a member of the minority party, appointed by the legislative management"

Page 2, line 3, replace "Two senators appointed by the majority leader of the senate" with "One member of a tribal nation appointed by the executive director of the Indian affairs commission"

Page 2, line 4, replace "One individual" with "Three citizen members"

Page 2, line 7, remove "and"

Page 2, line 8, after "union" insert "; and"

i. One individual appointed by North Dakota United"

Page 2, line 18, replace "\$50,000" with "\$25,000"

Page 2, after line 21, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly



**2017 SENATE APPROPRIATIONS**

**SB 2135**

# 2017 SENATE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Harvest Room, State Capitol

SB 2135  
2/6/2017  
Job # 27927

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Sandy Baumgartner for Rose Denning*

## Explanation or reason for introduction of bill/resolution:

To provide for the creation of an initiated and referred measure study commission.

## Minutes:

Testimony Attached # 1 – 2.

**Legislative Council: Adam Mathiak**

**OMB: Becky Keller**

**Senator Krebsbach:** Called the committee to order on SB 2135.

**Senator David Hogue:** District 38, Minot, ND - Bill Sponsor. Testified in favor of SB 2135. Testimony Attached # 1. GVA recommended the bill. Interim committee to study initiated measure and referral process. The proposal calls for a broad based committee that would invite participation from lots of different North Dakota grassroots organizations that have historically participated in the initiated measure and referral process. They are identified in section 1 of the bill. I invite legislatures and members of the judicial branch and legislative branch, and organizations like Farmers Union, Nodak, Farm Bureau, and several others. I contacted them prior to this bill and all were enthusiastic and wanted to participate. I tried to identify some of the issues we need to study for you. People are concerned about voter fraud, and how we gather signatures. I have received emails pertaining to Marcie's Law and whether there is undue influence from out of state money. We have concerns from 2014 about the actual number of measures that could get on the ballot. Currently there are no limitations. In the last election cycle there were 9 measures on the ballot. The measure we had several years ago embedded spending several 100 million dollars in the constitution. There is no limit on what you can put in our constitution. You could take oil revenue, either the extraction or production tax and imbed it into the constitution and say this is how we're going to spend it. The GVA did amend it. What they did was say there were other interest groups that said we realize there are some loopholes with our process which we should study. We would like to be involved as well. A Representative of Labor was invited to be seated on the committee. Also tribal nations were invited to seat on the committee. We want a committee that represents all of ND that is broad based and grassroots. I am hoping that the committee should have consensus to say this is how we should reform our process. That is the proposal. There is an appropriation. The appropriation was originally at \$50,000, and then amended to \$25,000. But groups said they would do this on their own dime, but we also



added more citizen members. Don't know if \$25,000 is adequate. I think it will be close. That is something the committee may want to look at.

**Senator Krebsbach:** How many meetings do you anticipate this will take in the biennium?

**Senator Hogue:** I suggested a minimum of 4. It is at the call of the chairman which would be appointed by Chief Justice of the Supreme Court. I thought that was appropriate because the committee chairman has the greatest control of the frequencies of the meetings.

**Senator Mathern:** On page 2, line 1-2, regarding the appointment of the legislative assembly members, when the bill states "by the Legislative Management", how is that interpreted?

**Senator Hogue:** That is one of the amendments that I didn't talk about. Originally the bill called for the appointment of the majority leader to appoint. Senate minority leader said that doesn't assure that there will be any representation from the minority party. So I offered that there will be an amendment that the legislative management committee appoints the members. There would have to be at least 3 members be a part of the minority party.

**Senator Dever:** On page 2, line 11, it says the chairman of the legislative committee may fill any vacancy of the commission. Is that regardless of who originally appointed them?

**Senator Hogue:** Yes, someone may not appoint someone to the committee, so there needs to be a gap filler if someone is not willing to serve after having previously agreed. Or if one of the people with appointed authority declines to fulfill that appointment. Any of those that refuse to appoint, the legislative management would be able to reach out and make that appointment.

**Senator Dever:** People believe all states are like ND. Some states have that the legislature has to approve the measure before it goes to the ballot. Some states have the function of approving it after it goes to the ballot. I think at least one state has it that the signatures are gathered and then waits until after legislative session and then they act on that during that session.

**Senator Hogue:** On Line 12, page 1 – we will look at processes in other states. It is a minority position. You can make all kinds of comparisons whether it's easy or hard. In California there are people who are in business of gathering signatures and campaigning. There's great variance across the 50 states. We should study other states about what's going on and how are they doing it.

**Senator Mathern:** One of the historical values of ND is its populism. Are those groups that express that a part of this? Is the limit of the number of commissioners that you see here, is that populism value expressed by these members that are listed on page 2?

**Senator Hogue:** Yes, that was the intent. Look at Farmer's Union and Farm Bureau. They are both insurance organizations, but they both have theoretical differences and are a good representation of ND. They agree and disagree on matters. In the labor group you have three organizations that represent a lot of individuals and ideology.



**Senator Mathern:** Did the labor organizations come up with a person to represent them?

**Senator Hogue:** The original bill did not add them, but through the amendment, they were added. I'm not aware of that they wanted a certain one. There were more than one labor interest groups that expressed interest in participating. I don't know how United was on the amendment.

**Senator Krebsbach:** How is it that you came to have the Chief Justice rather than Legislative Management choose the chairman?

**Senator Hogue:** This was two-fold. I wanted the chairman with a lot of gravity and I thought about this for a long time. They have seen a number of initiated and referred measures and hopefully have spent their career being impartial. Once the committee is formed, there will be no magical consensus of everything. I do think they may point us to some areas where maybe we should change that and maybe it doesn't need change. I wanted someone with street credentials to manage this group. In our legislature we have our chain of command and structure on how we govern ourselves. We have chairman and vice-chairman. We have majority and minority parties. We have a system of governance. When we start opening it up to a committee that legislatures are a minority, you need a strong chairman.

**Senator Krebsbach:** All of this filters through the SOS office. Do you plan for them to be just a resource or should they have been included in the committee?

**Senator Hogue:** I talked to him and the deputy about this. They are supported of looking at reforms. If you go to attachments. I did attach for you a description that the Secretary of State initiated #4 & #5. Number 4 being the increased excise tax on a pack of cigarettes and #5 being medical marijuana. There's no limitations on how long the marijuana initiative can be, and how many issues can be dealt with in one measure. Measure 5 is 34 pages long. There are concerns from the Secretary of State the ability to not have the voters informed when the voters have one or two paragraphs put in front of them. It is comprehension legislation.

**Senator Mathern:** I appreciate comments about judiciary. We presume they are the body of government expected to be impartial. Is it possible that the citizen members appointed should be appointed by judiciary versus the governor? Our governor position is a political position. It's the political parties that are the most impartial. When we are looking at this, we are trying to create a system of making common good decisions that are devoid of partiality. If we followed those, shouldn't they be appointed by judiciary branch?

**Senator Hogue:** The bill in its original form requested the governor appoint one member of this committee. We want to make sure that we have people who are not politically motivated. We want to have those people serve. It was increased from 1 to 3 for a non-political reason.

**Senator Sorvaag:** Is there a "citizen member" definition somewhere? That would exclude someone not from the governor's staff or elected government subdivision.

**Senator Hogue:** That was the intent. They would have to be a North Dakota citizen. This is a grassroots committee that's only agenda is to look at our process and see if it needs improvement or a loophole that needs to be closed.

**Andy Peterson**, Greater North Dakota Chamber. (Lobbyist # 154) Testified in favor of SB 2135. Testimony Attached # 2. Urge a "Do Pass" on the interim study. To Senator Dever's question, there are 23 states that have done other studies.

**Senator Dever:** There is a listing of every measure that's ever been on the ballot since statehood in the Resource Section.

**Senator Krebsbach:** Is there anyone else to testify for SB 2135, any opposition, any agency? We will close the hearing on SB 2135.



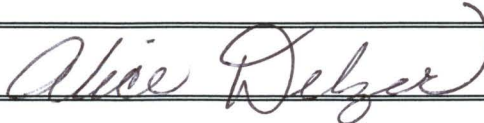
# 2017 SENATE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Harvest Room, State Capitol

SB 2135  
2/13/2017  
JOB # 28285

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A DO PASS on a measure Study.

## Minutes:

**Chairman Holmberg:** called the Committee to order on SB 2135. All committee members were present. Brady Larson, Legislative Council and Stephanie Gullickson, OMB were also present.

**Senator Hogue:** 2135 is the bill to appoint a broad base committee to a comprehensive study. He continued to explain the reason for the bill and what it would do.

**Chairman Holmberg:** Was there any opposition or reluctance by the court?

**Senator Hogue:** I spoke to Chief before I introduced the bill. His concern he didn't want to appoint any current District Court Judges or Supreme Court Judges because he didn't feel he couldn't, which is fine. There is no requirement that his appointee would be a judge but there are a number of judges out there who are either retired or other folks within the judicial branch that might be appropriate for this.

**Senator Oehlke:** moved a Do Pass . 2<sup>nd</sup> by Senator Gary Lee.

**Senator Mathern:** While I appreciate the intent here. I have concerns, page 2, line 5, citizen members appointed by the governor, it's taking one point of view to add 3 more people of that point of view. Having a chief justice who is not involved with partisan politics in ND law it might have been easier to deal with. I think there is a number of people concerned about the outcome of this. That really bipartisan effort, looking at the sponsorship raises concerns for me. I just raise those issues for you.

**(5.39) Chairman Holmberg:** Would agree you can find some balance in the membership of the committee. **Senator Mathern** agreed that he sees some merit on this.

**A Roll Call vote was taken. Yea: 11; Nay: 3; Absent: 0. Senator Meyer from GVA will carry the bill.** The hearing was closed on SB 2135.

Date: 2-13-17  
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Oehlke Seconded By Lee

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Mathern		✓
Vice Chair Krebsbach	✓		Senator Grabinger		✓
Vice Chair Bowman	✓		Senator Robinson		✓
Senator Erbele	✓				
Senator Wanzek	✓				
Senator Kilzer	✓				
Senator Lee	✓				
Senator Dever	✓				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue	✓				

Total (Yes) 11 No 3

Absent 0

Floor Assignment 6 VA Meyer

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2135, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed SB 2135 was placed on the Eleventh order on the calendar.



**2017 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2135**

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

SB 2135  
3/3/2017  
28688

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Carmen Hart*

### Explanation or reason for introduction of bill/resolution:

To provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation

### Minutes:

Attachments 1-5

**Chairman Kasper** opened the hearing on SB 2135.

**Senator David Hogue** appeared in support. Attachment 1. (:35-:09:04)

**Rep. C. Johnson:** With those organizations like North Dakota Farm Bureau, etc., what is going to be their take away? Are they going to come out with policies for their own organizations too?

**Senator Hogue:** I am not sure what they will do. My intent in adding them was I want to the extent possible broad based consensus on whatever comes out of this study. We legislators are not the only ones who are concerned about this initiated measure process. All kinds of groups are concerned about it, and those groups are identified. When the bill was originally introduced, it was recommended to put a labor representative on it, so the committee added that. The committee also added one member of our Native American tribes.

**Rep. Rohr:** Who does the condensation of a measure?

**Senator Hogue:** The Secretary of State passes upon the signatures and the ballot in consultation with the Attorney General, and they are charged with coming up with this summary.

**Chairman Kasper:** You had added labor. I don't see that.

**Senator Hogue:** Line 10, North Dakota United

**Andy Peterson, Greater ND Chamber of Commerce,** appeared in support. Attachment 2. (:13:32-:16:50)

**Vice Chair Louser:** We are looking at primarily process. I am wondering if there is discussion of what this commission may need to report back as to limiting content of an initiated measure? What I mean by that is specifically tax policy.

**Andy Peterson:** My understanding is that we would be talking about ways to improve the process to help the voters better understand what they may or may not be voting on. It would not be our intent to narrow it down on tax policy.

**Nick Archuleta, President of North Dakota United,** appeared in support. Attachment 3. (:18:23-:20:12)

### **Opposition**

**Ralph Muecke, Gladstone, ND,** appeared in opposition. Attachment 4. (:20:50-:28:22)

**Rep. B. Koppelman:** Is it reasonable for voters to read all those 80-100 pages to know what they are voting on?

**Ralph Muecke:** They need to be written, so people can read them.

**Rep. B. Koppelman:** Would it be reasonable to limit in some way the length of an initiated measure?

**Ralph Muecke:** When something is written like that, who is going to sit there and screen that thing? How are you going to control something like that without the people getting the proper information?

**Rep. Rohr:** What about the whole issue of outside money influencing the direction of initiated measures and their outcome?

**Ralph Muecke:** It is unfair. How do you fairly regulate that? Each issue is a little different. Yes, they should be condensed and to the point.

**Rep. Olson:** What is your opinion on a measure being passed that could be put into the constitution spending in the hundreds of millions of dollars every year? Do you think that should be limited?

**Ralph Muecke:** A lot of that has to do with the understanding of the issue. I agree things should be shortened and to the point where it is within reason.

**Chairman Kasper:** Do you realize that the bill before us is to study those matters, not to pass a law?

**Ralph Muecke:** I am aware of that.

**Chairman Kasper:** Where is your fear of this bill?



**Ralph Muecke:** Everybody knows whether you want to admit it or not that there is a move on to restrict the process. I think that is the intent of forming this committee, to make it more difficult.

**Chairman Kasper:** Do you agree that the citizens of ND should be the people to determine ND law and whether or not we have initiated measures or referrals that occur?

**Ralph Muecke:** Absolutely.

**Chairman Kasper:** You said the framers of our constitution were very intelligent people. Were they not citizens of North Dakota?

**Ralph Muecke:** Yes, as I understand it.

**Casey Buchmann, Washburn,** appeared in opposition. It is the money issue that bothers me. If the Governor appoints representatives or wherever they are from, they should do it willingly unpaid. There should be no money. That is truly a voice of the people. I think the people of North Dakota are smarter than what you think they are.

**Rep. Schneider:** Would you oppose travel expenses for someone who could not otherwise afford to participate?

**Casey Buchmann:** No, I wouldn't for someone else. I would be against any money if it was any legislator that gets appointed.

**Rep. Olson:** Are you in favor of this bill if money is removed?

**Casey Buchmann:** Yes, I would be more than in favor if money is removed. We can't afford it. It should be from the heart.

**Dustin Gawrylow, North Dakota Watchdog Network,** appeared in opposition. Before giving testimony, he answered some previous questions. We brought in SB 2366 that would have required every initiated measure committee or pact that gets involved in an initiated measure be required to obtain at least 50% of their donations from in-state donors. It would also have limited single contributors to 30%. Another issue was writing of initiated measures. If a committee wants to have a properly written measure, they have to go through a legislator. A simple fix to this would be to say once you have your 25-member sponsoring committee for an initiated measure, you get direct access to legislative council say for five hours. Anything over that, you have to pay \$100-\$150 available rate to them to reimburse for their time. A third issue is the summary of a measure on the ballot. An idea might be creating a new tier. Right now you get 4% of the signatures for a constitutional and 2% for statutory. Maybe create a new level of say 1% for an advisory board. He went on with Attachment 5. (:43:57-:47:32)

**Rep. Steiner:** When you recommend that you require citizens who have prior involvement with initiated measure, I agree they have experience. You are already limiting a pool of citizens. In a sense you are giving yourself special preference. What you are saying is these

guys shouldn't get special preference, but because we have done one before, we should. The average citizen also looks like a constriction.

**Dustin Gawrylow:** My concept here was that the people who are involved know the problems with the system. It is kind of an experience-based recommendation.

**Rep. Rohr:** Did you have the same testimony on the other side? Did they take any of your recommendations and change and amend this bill at all?

**Dustin Gawrylow:** No, it was not the same testimony. I do not believe they took any of my recommendations. They were simply looking to make the bill fit the sponsors' desires. We did suggest that the citizens should have a greater voice. I did not give them three different ways to do that. The point is if this is a must pass bill, then we need to have ways where the citizens are equally represented outside of special interest groups and elected officials.

**Rep. Rohr:** Did you do your research of other states and how they handle their I&R method?

**Dustin Gawrylow:** ND is one of the easiest states to do I&R. They were one of the first, and it simply is a factor of the trustworthiness of the public. ND is the only state without voter registration. Other states do restrict what the people can do. We have a very strong constitutional article specifically designed to protect those powers here, and we definitely need to maintain that.

**Rep. B. Koppelman:** Is it reasonable to limit the language of a ballot measure to something that is printable on the ballot and, thus, try to keep the intent of that ballot measure more to the philosophical points of what they are trying to do and then have the legislature flush out that intent versus having the time, place, and matter of every possible scenario and 100 pages of language that the average voter doesn't read?

**Dustin Gawrylow:** I think the biggest cause for the initiated measures that take up a lot of space are the ones that are based on repealing existing language. I think the biggest piece is making it easier to do that and not requiring to strike everything out if you are trying to get rid of a section or chapter of law. Just allow for the repeal line and let that stand on its own.

**Chairman Kasper** closed the hearing.



# 2017 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

SB 2135  
3/9/2017  
28998

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Carmen Hart*

### Explanation or reason for introduction of bill/resolution:

To provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation

### Minutes:

Attachments 1-2

**Chairman Kasper** opened the meeting on SB 2135.

**Rep. B. Koppelman** explained the Christmas tree version of the bill and the amendment. Attachments 1-2. (0:13-:07:05)

**Chairman Kasper:** I can see the frustration from the minority party from the prospective of the numbers of legislators that are in one party compared to the number of legislators in the other party.

**Rep. P. Anderson:** Except for the chief justice, they are all republican. Well, he is too, but no tribes. Chairman of legislative management gets to appoint the other five, so the chairman isn't going to put any democrats on this committee.

**Rep. B. Koppelman:** He read Line 17, Page 2. This isn't just a suggestion. This is a vote. This is a cast your ballot for your favorite five people. The chairman of legislative management doesn't just get to pick. I don't know that the people that I am even aware of that are \_ the initiated measure process are big time republicans or big time democrats. I think they are big time initiated measure people.

**Rep. Schneider:** This has obviously changed the whole nature of the bill. It has totally slanted it in favor of a nonpartisan measure. It has taken out the testimony of the individuals who proposed those in the first place, the ND Chamber, labor, and it has created a whole different instrument which has lost its credibility.

**Rep. B. Koppelman:** Let me explain my concern. The bill did not necessarily have a cross section of people on it that represented the initiated measure anyway. To suggest this bill had a balance before is absurd.

**Rep. Steiner:** When you say that they are appointed because they received the most votes, who is voting?

**Chairman Kasper:** It is a tally.

**Rep. Steiner:** I better make sure other legislators submit my names as well?

**Rep. B. Koppelman:** The legislators could potentially lobby each other to the rest of the names they thought would be best. The members of the public could send emails out and say please consider me on your list. He explained how this is similar to how delegates are sent to the republican national convention.

**Rep. Steiner:** How did you come up with five?

**Rep. B. Koppelman:** There are five public member seats.

**Rep. Steiner:** Could I nominate myself five times? I am a citizen.

**Rep. B. Koppelman:** I assume you could nominate yourself once.

**Rep. Vetter:** Can you give somebody's name five times? If you only know two people that want to do it, can you say...

**Chairman Kasper:** The amendment says nominate up to five residents of the state. That implies up to five different people.

**Rep. P. Anderson:** Have we ran this proposed amendment past the sponsor of the bill, Senator Hogue?

**Rep. B. Koppelman:** No, I didn't.

**Rep. Dockter:** If you pass this amendment, you will have a guaranteed conference committee.

**Rep. Steiner:** I didn't like the original bill, and I still don't like it because of the idea of a commission that is ongoing. There is no depth of a commission. There should be some kind of end date. It should have a beginning and an end, and I don't see that.

**Chairman Kasper:** On the original bill, doesn't Line 23, Page 2, solve that issue for you?

**Rep. B. Koppelman:** The intention was to take the money out of the bill. There were some concerns by some that testified that having money in the bill could call the judgment of the people involved.

**Rep. Steiner:** It should be automatically repealed.

**Chairman Kasper:** Rep. Koppelman, thank you for your efforts. I believe it was obviously your intention to make the bill better. I do have heartburn about the fact that there are so

many more from one party than the other party. Because of that it would not end up with the minority party having representation. We will hold it over. I am not inclined to support the amendment the way it is, but I am still open to any other suggestions.



# 2017 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

SB 2135  
3/16/2017  
29350

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Carmer Hart*

### Explanation or reason for introduction of bill/resolution:

To provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation

Minutes:

**Chairman Kasper** opened the meeting on SB 2135. At a previous meeting Rep. B. Koppelman had an amendment that was not very well accepted from the committee. Have you come up with another possibility?

**Rep. B. Koppelman:** I did request some additional amendments to be prepared. I presume by tomorrow's committee I will have them. I did take some of the ideas that the Chamber had and tried to weave them into the concept that I was suggesting which includes minority membership. It also includes some amendments on how the members of the public would be appointed, and it is a process through the Governor's Office.

**Chairman Kasper:** We will take up 2135 tomorrow.



# 2017 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

SB 2135  
3/17/2017  
29394

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Carmen Hart*

### Explanation or reason for introduction of bill/resolution:

To provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation

### Minutes:

Attachments 1-2

**Chairman Kasper** opened the meeting on SB 2135.

**Rep. B. Koppelman** handed out Christmas tree versions of two amendments and explained them. Attachments 1 and 2. He went over these. (:01:00-:06:45)

**Chairman Kasper:** The governor sends out his names, and now there is a 45-day comment period from the public, or he waits 45 days before he appoints?

**Rep. B. Koppelman:** Sort of both. The intent here is to have some sort of notification. The governor has to make the public aware that there is a process. Everybody knows it is an application process, and as many people can apply as they would like to apply. Once the deadline is for application if you ask for those names from the governor's office, you can get those. Then he has to wait 45 days to actually pick his people, and that gives the public time to give input.

**Chairman Kasper:** Perhaps you should be adding at the end of Line 25, before the governor makes a final appointment.

**Rep. B. Koppelman:** Before the governor appoints?

**Chairman Kasper:** They conflict. If you are wanting people to make their comments known about the seven people that the governor wants to appoint, and if he has already appointed them in Line 10, this is really worthless other than the fact the public might not like who he appointed, but he has already appointed them.

**Rep. B. Koppelman:** I will make sure that is cleared up. I will also make sure that some sort of a public notice of this application process is clear.

**Rep. Steiner:** If the chamber, for example, wants to put somebody on as a citizen member so that they do have a vote, could they submit a citizen member who is on their board but happens to be an employee of Gate City Bank, for example? He applies as a citizen. That way the chamber gets somebody on.

**Rep. B. Koppelman:** I don't believe any organization can submit a name on their own, but they could encourage their board member to fill out the application.

**Rep. Steiner:** They are all going to do that. If you truly want citizens, board members should be excluded. That is what I would do if I was the exec. director of the chamber. I would make sure one of my board members applied.

**Rep. B. Koppelman:** I would be open to that if you have additional amendments drafted that might do that. I don't believe individuals who have been very active in the initiated measure process are going to take that lying down either.

**Vice Chair Louser:** We are just talking about a study commission here in the interim. Is Senator Hogue aware of these amendments?

**Rep. B. Koppelman:** No. I don't want to go to him until the committee has its head around this.

**Vice Chair Louser:** He is aware?

**Rep. B. Koppelman:** I had a brief conversation with him and said I thought our committee was going to want to tweak some. I didn't get into specifics.

**Vice Chair Louser:** Other states have done this. Are their neighboring states or a model for this that we could just pick up?

**Chairman Kasper:** If you have some suggestions, make them to Rep. Koppelman. I am trying to accommodate a fair process. I appreciate what Rep. Koppelman is working on.

**Rep. P. Anderson:** I don't like the bill at all, so I am going to vote no on the amendments and no, on the bill.

**Chairman Kasper:** We will take this up next Thursday. Any thought to stripping the money out?

**Rep. B. Koppelman:** The amendment I brought you last time had the money taken out. It was going to be funded in the same way an interim study is. I will get that fixed on here too.



# 2017 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2135  
3/23/2017  
29652

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Carmen Hart*

### Explanation or reason for introduction of bill/resolution:

To provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation

### Minutes:

Attachments 1-4

**Vice Chair Louser** opened the meeting on SB 2135. Chairman Kasper was called out on an emergency.

**Rep. B. Koppelman:** He went over the amendments and the Christmas tree version. Attachments 1-2. (:01:16- :05:36) He moved the amendment.

**Rep. Olson** seconded the motion.

**Rep. Schneider:** I think there was a place for labor in the original bill, and I think labor should be represented in this one. Taking the appropriation out will provide that a number of people are not going to be able to get their travel paid unless there is some way of assuring that is going to happen.

**Rep. B. Koppelman:** He read Page 2, Line 28. We are also extending that to the citizen members. The people that are specifically going to be paid to be here are the legislative members, because we are always paid to be on interim committees and commissions. I am told by Legislative Council that it would automatically come from the interim committee budget.

**Rep. Schneider:** I would be in favor of putting representatives of labor back in to balance the representatives of business. Although I still can't support the bill.

A roll call vote was taken. 11 Yeas, 2 Nays, 1 Absent.

**Rep. Steiner:** She explained her amendment. Attachment 3. (:09:10-:11:28) I would move the amendment.

**Rep. Rohr** seconded the motion.

**Rep. B. Koppelman:** Rep. Steiner had reached out to me and shared what she was interested. These amendments were prepared simultaneously.

**Rep. Steiner:** It doesn't allow stacking of those groups.

Voice vote was taken. Motion carries.

**Rep. Dockter:** I would like to see a sunset on this to make sure that we have to revisit and see if we need this commission going forward after two years. I move the amendment.

**Rep. Steiner** seconded the motion.

Voice vote was taken. Motion carries.

**Rep. B. Koppelman:** He explained the amendment. Attachment 4. I move the amendment.

**Rep. Steiner** seconded the motion.

Voice vote was taken. Motion carries.

**Rep. Steiner** made a motion for a DO PASS AS AMENDED on SB 2135.

**Rep. B. Koppelman** seconded the motion.

A roll call vote was taken. 10 Yeas, 3 Nays, 1 Absent.

**Rep. B. Koppelman** will carry the bill.



PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 2, remove "to provide an appropriation;"

Page 2, line 1, after "b." insert "One individual appointed by the secretary of state;

c."

Page 2, line 1, remove "legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with  
"house of representatives, two of whom must be appointed by the majority leader of the  
house of representatives and one appointed by the minority leader of the house of  
representatives"

Page 2, line 3, replace "c." with "d."

Page 2, line 3, remove "One member of a tribal nation appointed by the executive director of  
the Indian"

Page 2, line 4, replace "affairs commission" with "Three members of the senate, two of whom  
must be appointed by the majority leader of the senate and one member appointed by  
the minority leader of the senate"

Page 2, line 5, replace "d." with "e."

Page 2, line 5, replace "Three" with "Seven"

Page 2, line 5, after "governor" insert ", two of whom must be past or current members of a  
sponsoring committee for an initiated or referred measure. The governor shall provide  
public notice of available citizen positions on the commission and establish a  
procedure for submission of applications"

Page 2, line 5, after the semicolon insert "and"

Page 2, line 6, replace "e." with "f. Four ex officio nonvoting members consisting of:

(1)"

Page 2, line 7, replace "f." with "(2)"

Page 2, line 8, replace "g." with "(3)"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, replace "h." with "(4)"

Page 2, line 9, remove "; and"

Page 2, line 10, remove "i. One individual appointed by North Dakota United"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the  
governor may not be an elected or appointed official or an employee of the governor's  
office."

5. After the closing of the application period for citizen members under subdivision e of subsection 3 has concluded, there must be allotted forty-five days for public review and comment on the applications before the governor appoints the citizen members.

6."

Page 2, line 11, replace "chairman of the legislative management committee" with "appointing authority"

Page 2, line 13, replace "5." with "7."

Page 2, line 14, replace "6." with "8."

Page 2, remove lines 19 through 23

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 2, remove "to provide an appropriation;"

Page 2, line 1, after "b." insert "One individual appointed by the secretary of state;  
c."

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Page 2, line 2, replace "the minority party, appointed by the legislative management" with  
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house of representatives and one appointed by the minority leader of the house of  
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Page 2, line 9, replace "h." with "(4)"

Page 2, line 9, remove "; and"

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Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor  
may not be an elected or appointed official, a member of an organization listed in  
subdivision f of subsection 3, or an employee of the governor's office."

5. After the closing of the application period for citizen members under subdivision e of subsection 3 has concluded, there must be allotted forty-five days for public review and comment on the applications before the governor appoints the citizen members.

6."

Page 2, line 11, replace "chairman of the legislative management committee" with "appointing authority"

Page 2, line 13, replace "5." with "7."

Page 2, line 14, replace "6." with "8."

Page 2, remove lines 19 through 23

Renumber accordingly



PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Renumber accordingly

3/23/17 D10

1 of 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and"

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, after "b." insert "One individual appointed by the secretary of state;

c."

Page 2, line 1, remove "legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "house of representatives, two of whom must be appointed by the majority leader of the house of representatives and one of whom must be appointed by the minority leader of the house of representatives"

Page 2, remove lines 3 and 4

Page 2, line 5, after "Three" insert "members of the senate, two of whom must be appointed by the majority leader of the senate and one of whom must be appointed by the minority leader of the senate;

e. Seven"

Page 2, line 5, after "governor" insert ", two of whom must be past or current members of a sponsoring committee for an initiated or referred measure. The governor shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications"

Page 2, line 5, after the semicolon insert "and"

Page 2, line 6, replace "e." with "f. Nonvoting members consisting of:

(1)"

Page 2, line 7, replace "f." with "(2)"

Page 2, line 8, replace "g." with "(3)"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, replace "h." with "(4)"

Page 2, line 9, remove "; and"

Page 2, line 10, remove "i. One individual appointed by North Dakota United"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a member of an organization listed in subdivision f of subsection 3, or an employee of the governor's office."

3/23/17 DE  
2 of 2

5. After the closing of the application period for citizen members under subdivision e of subsection 3 has concluded, there must be allotted forty-five days for public review and comment on the applications before the governor appoints the citizen members.

6."

Page 2, line 11, replace "chairman of the legislative management committee" with "appointing authority"

Page 2, line 13, replace "5." with "7."

Page 2, line 14, replace "6." with "8."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

Date: 3-23-17  
Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 17. 0399. 07005

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By B. Koppelman Seconded By Olson

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	<u>A</u>		Pamela Anderson		<u>X</u>
Scott Louser-Vice Chairman	<u>X</u>		Mary Schneider		<u>X</u>
Jason Dockter	<u>X</u>				
Craig A. Johnson	<u>X</u>				
Daniel Johnston	<u>X</u>				
Karen Karls	<u>X</u>				
Ben Koppelman	<u>X</u>				
Vernon Laning	<u>X</u>				
Christopher D. Olson	<u>X</u>				
Karen M. Rohr	<u>X</u>				
Vicky Steiner	<u>X</u>				
Steve Vetter	<u>X</u>				

Total (Yes) 11 No 2

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 3-23-17  
Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 17. 0399. 07006

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Steiner Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman			Pamela Anderson		
Scott Louser-Vice Chairman			Mary Schneider		
Jason Dockter					
Craig A. Johnson					
Daniel Johnston					
Karen Karls					
Ben Koppelman					
Vernon Laning					
Christopher D. Olson					
Karen M. Rohr					
Vicky Steiner					
Steve Vetter					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Adding "a member of an organization listed in Subdivision F of Subsection 3,"

Date: 3-23-17  
Roll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Dockter Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman			Pamela Anderson		
Scott Louser-Vice Chairman			Mary Schneider		
Jason Dockter					
Craig A. Johnson					
Daniel Johnston					
Karen Karls					
Ben Koppelman					
Vernon Laning					
Christopher D. Olson					
Karen M. Rohr					
Vicky Steiner					
Steve Vetter					

*voice  
vote  
motion  
carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Proposing a sunset to the study  
Commission*

Date: 3-23-17  
Roll Call Vote #: 4

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 17.0399.07007

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By B Koppelman Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman			Pamela Anderson		
Scott Louser-Vice Chairman			Mary Schneider		
Jason Dockter					
Craig A. Johnson					
Daniel Johnston					
Karen Karls					
Ben Koppelman					
Vernon Laning					
Christopher D. Olson					
Karen M. Rohr					
Vicky Steiner					
Steve Vetter					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 3-23-17  
Roll Call Vote #: 5

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2135

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Steiner Seconded By B. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	<u>A</u>		Pamela Anderson		<u>X</u>
Scott Louser-Vice Chairman	<u>X</u>		Mary Schneider		<u>X</u>
Jason Dockter	<u>X</u>				
Craig A. Johnson	<u>X</u>				
Daniel Johnston		<u>X</u>			
Karen Karls	<u>X</u>				
Ben Koppelman	<u>X</u>				
Vernon Laning	<u>X</u>				
Christopher D. Olson	<u>X</u>				
Karen M. Rohr	<u>X</u>				
Vicky Steiner	<u>X</u>				
Steve Vetter	<u>X</u>				

Total (Yes) 10 No 3

Absent 1

Floor Assignment B. Koppelman

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

**SB 2135, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2135 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and"

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, after "b." insert "One individual appointed by the secretary of state;

c."

Page 2, line 1, remove "legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "house of representatives, two of whom must be appointed by the majority leader of the house of representatives and one of whom must be appointed by the minority leader of the house of representatives"

Page 2, remove lines 3 and 4

Page 2, line 5, after "Three" insert "members of the senate, two of whom must be appointed by the majority leader of the senate and one of whom must be appointed by the minority leader of the senate;

e. Seven"

Page 2, line 5, after "governor" insert ", two of whom must be past or current members of a sponsoring committee for an initiated or referred measure. The governor shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications"

Page 2, line 5, after the semicolon insert "and"

Page 2, line 6, replace "e." with "f. Nonvoting members consisting of:

(1)"

Page 2, line 7, replace "f." with "(2)"

Page 2, line 8, replace "g." with "(3)"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, replace "h." with "(4)"

Page 2, line 9, remove "; and"

Page 2, line 10, remove "i. One individual appointed by North Dakota United"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a member of an organization listed in subdivision f of subsection 3, or an employee of the governor's office."

5. After the closing of the application period for citizen members under subdivision e of subsection 3 has concluded, there must be allotted forty-five days for public review and comment on the applications before the governor appoints the citizen members.

6."

Page 2, line 11, replace "chairman of the legislative management committee" with "appointing authority"

Page 2, line 13, replace "5." with "7."

Page 2, line 14, replace "6." with "8."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

**2017 CONFERENCE COMMITTEE**

**SB 2135**



# 2017 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB 2135  
4/5/2017  
Job Number 29941

☐ Subcommittee  
☒ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

### Minutes:

No Attachments

**Chairman Poolman:** Opened the conference committee on SB 2135.

**Representative Koppelman:** (Walked through the changes in the bill.) The section on out of state funding was expanded. The commission make up was where a large portion of the changes were made. A lot of negative testimony was heard on concerns of taking the voter's rights away. A balance of citizen member, elected officials, and various industry representatives was desired. It was thought that a member from the Secretary of State's office would be a good source of expertise. Language was put in for provisions on how the Governor should put out notice for the citizen member positions. The expenses were addressed because we have been trying to not have any individual appropriations on bills as much as we can. The money would come out of the interim committee budget from the legislative assembly.

**(5:30) Chairman Poolman:** Can you tell us why you took off the Native American representative and the North Dakota United, and why did you target them specifically?

**Representative Koppelman:** I don't know that we targeted them. I think we looked at a little bit of a blank slate and how to balance it. The tribe is not a branch of our state government and a tribal member through the appointment process by the Governor could apply to be one of those 7 citizen members. When it comes to the initiated measure process, there is no difference whether you are on the reservation or off. We are all are North Dakota citizens and we all have the ability to vote on initiated measures etc. We should all have equal members to represented as citizens. We all have legislators representing us. When we expanded the citizen members we did not see the need to have a separate one. The Governor makes those appointments and for people that apply there is a period of time that people can advise and consent the Governor on who would be good. I presume the Native American population could put a couple of people forward. As to North Dakota United, when we reviewed the original bill, we thought the balance politically and industry wise was better with the original four than with the fifth one added for North Dakota United. There were other



groups who were kind of the "me too". We didn't want the group to grow and grow. There was suggestion that we add more groups. We felt that the Farm Bureau and the Farmers Union offset each other politically but complementary to each other. The North Dakota Chamber and the Newspaper Association are pretty neutral. We thought politically that would not create an unbalance with the original four.

**(8:19) Senator Hogue:** I commend the House on a number of the changes that were made. Some were things that the Senate did not think about. One would be the expiration date. I think there needs to be an expiration date for the commission. It is not intended to be a standing interim committee. I also like the addition of additional subject matter. (Lines 17-19) We know very little about that. What constraints that we can put on out of state funding. Probably very little because our US Supreme Court has said that spending on campaigns is the equivalent to political speech and we know we cannot limit that. I think it is a good idea to look at that primarily because we do not know a lot about it other than that we have a very significant overarching constraint. To the membership issue, when I looked at what the House did, I thought we got the committee a little too big. I think the committee needs to be a working committee. I think once you start going beyond 12-15 members, you start to lose focus. I like the appointment of a Secretary of State representative. Originally, we were looking for expertise and that comes from participating in the process. The groups that we had selected had been long standing participants in the process in previous election cycles. It should have jumped out to us. The Secretary of State is the subject matter expert and that is a good addition. I think we should try to focus on juggling around the membership with respect to the legislative members and the other organization appointed members and the Governor's appointees. One of my intents is to not have it be a legislatively dominated committee. We want legislators to be there, but we don't want them to be dominate. I would not object to reducing the number of legislators. One of the things that I the feel most strongly about is making sure the organizations have some voting rights. Some meaningful participation. We do think that it is important that the organizations, those that are true grassroots organizations, have a meaningful voice in the process. I do not think there is anything wrong with letting them vote. It is not the organization casting the vote, it is the person that the entity designates. They are all North Dakota residents as well. This is an advisory committee and they will advise the 66<sup>th</sup> legislative assembly. I think the room to play with in talking about getting a tribal representative and a member of labor involved, maybe we could be put that in the Governor's appointments. We do place some constraints on him. He has to advertise. Sometimes people want to serve but they are not aware that the opportunity exists. We can encourage him to put a tribal and labor member on the commission. I think he will want to do that. ... The last change on line 30, letting the appointing authority fill the vacancy - I struggle with that one. It is kind of like a chain of command. If someone decides to go on the commission and then pulls out, I think we need to have someone that can appoint that and it should be clear cut. The organization could recommend someone to legislative management. As soon as you start putting it on all of these various factions, then you don't have clarity as to who would fill that successor. I don't care if it is the chairman of legislative management, majority leader, or the Governor, but it needs to be on person. As for the appropriation, I had some confusion on that initially. I thought maybe the House was proposing that legislators be paid and other members not be paid, but it really is just a matter of reimbursement. I have not checked to see what our budget is for legislative management but I would hate to see us tax legislative management if we have a large group of people getting reimbursed. I certainly could support just a \$25,000 appropriation like the



Senate had to make sure that the citizen members are covered if they have to travel. The vast majority of the House changes are quite good.

**Representative Anderson:** I voted no on the amendments in the House because I think we should specifically say a tribal representative and someone from North Dakota United. The ought to be voting. Who shows up if they cannot vote. I have a problem with Page 2, Line 19 where it says a citizen member appointed to the Governor cannot be a member of the organization. They cannot be a chamber member, a newspaper member, a Farm Bureau member, a Farmers Union member, etc. It does not make sense to me. There is a whole group of people that are excluded.

**(17:11) Chairman Poolman:** That is one thing I did not think about until you were speaking. If your organization does not choose you and you still want to be a part of it, you are eliminated because the leadership in your organization did not choose you. That is an interesting way that you are eliminating a certain group. I agree with everything Senator Hogue said. On the fiscal note it does say that the bill does not designate an agency responsible for paying the expense reimbursement of other commission members. I guess my question is how would they be paid or compensated? Is it the Houses intent that only the legislators on the commission will be paid and other people will not? If not, then maybe we should clarify how the others are going to be paid if that is the case.

**Representative Koppelman:** The way that it was explained to me by legislative council, was that if we create the defacto place for it to be paid out of it would be the legislative management budget for interim committees. I think that was Senator Hogue was referring to. The House intended that everyone received their reimbursements if they turned them in for mileage, food, and hotel that we allow for any state employee. The only thing different between legislators and the others is that the legislators would get their daily pay which their constituency elected them to get. Maybe we need some clarification there.

**Senator Hogue:** To that discussion, my thought would be that it be easier to add an appropriation into this bill to appropriate it to legislative council so that it goes into their budget and then it would be clear where the money is coming from and that we are adding additional dollars to defray those expenses. Otherwise the fiscal note seems to suggest we are not clear where it is coming from, and if we expect it to come out of legislative council's budget we are going to be tapping it when they have not prepared their budget for this expense.

**Representative Koppelman:** To what Representative Anderson suggested, the member of our committee that proposed this was under the impression that each of these organizations would likely appoint someone that was on their board or their executive director or someone that understands their issues very well. The intent there was not that, if you happen to be a member of one of these organizations, you could not be a citizen member. I think the intent was so that the Governor could not appoint additional members from their governing board and have two or three members from the same organization. Maybe narrowing the language might be more toward what the House intended.

**Chairman Poolman:** Adjourned the conference committee on SB 2135.



# 2017 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee

Sheyenne River Room, State Capitol

SB 2135

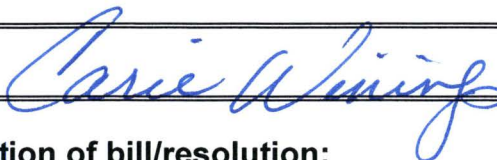
4/6/2017

Job Number 29968

☐ Subcommittee

☒ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

### Minutes:

No Attachments

**Chairman Poolman:** Opened the conference committee on SB 2135. I know there have been some discussions. Have we come up with any ideas?

**Senator Hogue:** I have been talking with Representative Koppelman. I think we are moving closer together. I think there is probably a couple of issues where we are philosophically still divided. I would like to walk through the issues so that we can get confirmation of whether we are agreeing to compromise on these issues or not. On page 1, I think we concurred with all of the House changes. The expiration date and expanding the scope of the committee's duties to study. The main issue involves the composition of the commission itself. We agreed that the Secretary of State was a good addition. The only question was whether the designee would be voting or non-voting, and I think Representative Koppelman expressed the view that the House with his appointment voting. The next issue is the number of representatives from the legislative assembly. I think related to that is the number of appointments the Governor would have. What I would be prepared to do is go back up to 3 members appointed from the House and 3 members appointed from the Senate. They would be appointed by their majority leaders and the Senate would be willing to appoint 2 members of the majority party and 1 member of the minority party and in that way I think if we had a 1 of 6 minority representation, that would actually equal the proportionate representation that the minority has. We would like to reduce the number of appointments the Governor has from 7 to 4. The next issue is who appoints a vacancy. I continue to think that it should be one person and it should probably be the legislative management chairman, whoever that happens to be, and have that chairman still appoint from whatever organization, but I hate to see a vacancy go unfilled for too long a time. The \$25,000 appropriation should probably be put back in based on the number of members that we are adding. Without it we will put some undue pressure on legislative council's budget. I think we can get that by the appropriators too.



**Representative Koppelman:** I am fine with the Secretary of State representative voting. I think we would be fine with the majority leader of each side appointing, but I think we would still need further conversation with going from 7 to 4 members of the public. There was an intent to have those kind of be a balancing force. As to the chairman of legislative management doing the appointing, we could probably agree to that, but I would like to see some language that clarifies that the chairman is appointing someone who meets the same qualification of the person they are replacing. That was then intent of the change that we made there. We want to make sure that the appointed person would be equivalent.

**Senator Hogue:** I think we have come quite far on bridging the differences there. The two issues where I see potential sticking points are the two members that the House took out; the tribal representative and North Dakota United. I think the Senate would like to see those stay in because the tribes represent a certain segment of our population. It is important to acknowledge that. As does labor. The other place that we got into too much regulatory oversight – I do not think the Senate would be opposed to the Governor making some sort of broad outreach to the public to inform them of the open positions, but then to have a public comment period where people get to comment on his proposed appointments seems to me to slow the process down for at least 45 days and I don't think it is necessary. We don't do that for other appointments. I propose that the House take a hard look at that.

**Representative Anderson:** I certainly want to add back the tribal nation and united. I would go with the Senate on that. Did we decide if they were going to vote or not?

**Senator Hogue:** I believe that we had consensus on that; that we would let the members vote unless I am mistaken.

**Representative Koppelman:** The House had concern on their side about whether or not the voting should be there. I think that when we are talking about those four groups and those being virtually balanced representation on the political spectrum, I would say that at this point we are definitely not in agreement on the tribal and united members. Were those to be added in, I think that further complicates the voting of the organizations. If those two are not in the bill we could agree to those four organizations vote. Earlier I had an oversight of talking about the appropriation. That would be something that I would have to check on my side a little bit more as far as putting it in there. I do agree that somewhere in the budgeting process that we have to make sure that there is money for this and that it doesn't handcuff us in our other business. We will have to figure out whether the budget is the best place to add that in or here where the bill is not referred back to appropriations. I am not trying to take the money away. I was trying to not have it be a standalone appropriation.

**Chairman Poolman:** On the four groups that we have there now, if we are talking about balance and we have half of those four from farm groups, I do not think that is a balanced representation of the people of North Dakota. I do not think half of the people living in the state are farmers. I have a tougher time with this being about balance. I think these organizations were put in there because they had experience on both sides. Both winning and losing in the measure process. They have been a part of it and I think that is why they were there. I do not think they are there to have any sort of political balance or bent. They were chosen because they had been through the process. Having labor represented and the tribes represented just kind of rounded that out a bit. You wanted to strike a legislator and



non-legislator balance and these people are citizens to and they happen to have experience in the process. Having people who have been through the process and hoping that we will have a few folks that the governor appoints who have not been through the process, that we can consider balance in more ways than just political.

**Representative Koppelman:** I did not mean to suggest that we had not looked at different balances. We cannot overlook that the majority of labor is not organized and unionized in our state. I think if we are fair here, North Dakota United is essentially a union. In a different type of state that is not a right to work state, that has a high level of unionized labor, I think that argument could be made. I think we would all agree here if we put Farmers Union and not Farm Bureau, people would be upset. I would seem like it leans one way. In the same way to put North Dakota United on there and not balance that with non-union labor in an organization that would equally represent and equally bring the other perspective would be a misstep. At least that was my impression and my position on the House side. We also heard from another group that is a union group that asked why they were not picked instead. There are different options all over the board and you could pack this thing full of people. I don't think that was the intent. I respect the intent of putting them on because of the experience in the past, but I don't think that means we need to broaden that to the me too and continue to add. The initial four gave a fair cross representation and we did not need to add further. I did not mean for it to sound like it was only about politics.

**Chairman Poolman:** That is unfortunate that one of the other labor groups ensured that we would not have any labor not here, but that is just unfortunate.

**Representative Koppelman:** On the areas where it seems like we are at least getting closer I would agree to work with and have further discussions on narrowing the differences.

**Chairman Poolman:** Senator Hogue will do that. Closed the conference committee in SB 2135.

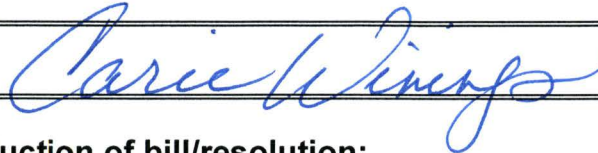
# 2017 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB 2135  
4/11/2017  
Job Number 30046

☐ Subcommittee  
☒ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

### Minutes:

Attachments: 1

**Chairman Poolman:** Opened the conference committee on SB 2135.

**Senator Hogue:** See Attachment #1 for amendments proposed to the committee.  
(Walked through the amendments.)

Talked to some of the commissions and it is a struggle to recruit people for most of them. We should not assume there will always be people who are willing to serve. There is no compensation involved and it is a disruption of their life. If we get above 5 members it may not be as easy as we would assume to fill those positions. There needs to be some money appropriated for the commission to travel the state. We did leave off a tribal representative and a labor representative. I strongly feel they need to be included. I am hopeful that the Governor would appoint them as citizen members if we don't put them in. I think it makes more sense for us to put them in. If the House insists that they not be a part of the process, I am just looking for a way to move the process forward.

**(7:49) Representative Koppelman:** In the House when we put in the provisions for the citizen members, and I know you had some concerns about our language, a couple of the core things we talked about was the reason why they had so much trouble filling those positions. It is because everyone does not know when they are doing it. That has been true with the last two Governors. There is not a huge advertising effort normally. I thought we put in language that it must be advertised. I don't see it in our version here.

**Senator Hogue:** It is on Page 2, Line 10, letter d.

**Representative Koppelman:** It was a combination of advertising for the position and then trying to get some buy in. One of the advantages of having some time after the Governor closes the application process, is that we could e mail and make recommendations on those



that have applied. The goal was not that the application and appointment be secret. It was to make suggestions to the Governor but not binding by any means. How do we get that sort of collaboration if we do pull out the requirement to have some sort of comment period?

**Chairman Poolman:** What other appointments do we have a public comment period after the list?

**Representative Koppelman:** I don't know that we do. I think our entire process for how we appoint could be reviewed. Since this is a onetime deal and it sunsets after this biennium, it is more important to me to have public buy in. That these public members represent the public. This will lose all its legitimacy as a taskforce with the public if they don't see true representatives of the public. They see it as legislators and lobbyists. I am trying to protect against that. The Governor would probably do that if he took those steps on his own, but if that is going to be taken out of the bill we would have to have some conversations on that with the Governor's office to make sure that happens.

**Chairman Poolman:** I understand the premise of why it was in there, but we just passed a bill where we closed the applications because we have so few people applying for jobs. I am not understanding why we would put something like that in this bill when we have as an entire legislature decided that we should allow, if they haven't been chosen, that list to be private.

**Representative Koppelman:** According to Legislative Council when we drafted this, I was suggesting to specifically say that the names be public. Obviously if the names were not public, how could the public give input if they did not know who to comment on. I found out that it is all public now and nothing we have done in this session will change that. If there is another way, I am open to that.

**Senator Hogue:** If that is the House's position, I think the way ahead is for you, as the House, to propose additional guidance for the Governor and the selection process. Whatever that criteria is. To hold these folks out and for the Governor to have to sit back and wait for some sort of reaction from the public is not a good policy in the appointment process. I think it would be a distraction, and a distraction from the work that the commission needs to go forward with. We don't do that in other areas and with good reason. It is the Governor's prerogative, and the other agencies and organizations prerogative to appoint who they want. You can try to manage that by telling what the eligibility criteria is, but then to tell them the public gets to react to what they are thinking – I don't think that is good policy.

**Senator Marcellais:** After looking at this amendment, I am going to have to disagree with it because I feel that the tribal nation member and the North Dakota United member should still be on this commission.

**Chairman Poolman:** When you talk about public comment, are you thinking that you are putting these names up on the internet and allowing people to say whatever they want? Is that what public comment looks like? Logistically, what does 45 days of public comment look like?

**Representative Koppelman:** We intentionally did not try to get that specific in exactly how to prescribe to do it. I believe some of the interested parties that would probably want to do

it, they would probably make a public records request of the Governor's office chose to publish it online. Either way, they would mark the day when that application deadline happened and then I think they would make that request or find those names and write the Governor a letter. None of this is binding on the Governor. I do understand the feeling that it would be cumbersome and taking a long time. I don't know if 30 days is more appropriate if 45 days is too long. I would be willing to talk to the Governor's office prior to our next meeting and find out how they thought they could honor what our intent was, but through a process that they thought would be workable for them. I am not totally cemented in on this point. I am trying to wrap my head around how do we assure these citizen members are truly citizen members if we don't have more guidance than what we have in this version. I think we are making good progress in this version. Our side could work off of this version and see where we can find our common ground.

**Chairman Poolman:** I think that the Senate's position would be that we should trust the Governor to appoint 5 members as he sees fit for citizens.

**Senator Hogue:** I completely agree with Senator Marcellais on the tribal member and labor representative needing to be in there. I would encourage the House to think about that because the overarching feature of this legislation is to bring everyone inclusive as much as we can. These are folks that are at the table and wanting to participate. If we are going to exclude them, we should have a good policy reason to do so.

**Representative Koppelman:** I have not gotten a firm answer from the House Appropriations as to whether or not this money was accommodated in the interim committee budget for lack of a better term. This may be alright if they did not include it in there. I was under the impression that after we passed this bill out they would have to make an adjustment and do that. If they have failed to do that, we can certainly talk about putting the appropriation back in. I don't think there is a ton of heartburn on that. We were trying not to have it be a doubled up type of an expense.

**Chairman Poolman:** Adjourned the conference committee on SB 2135.



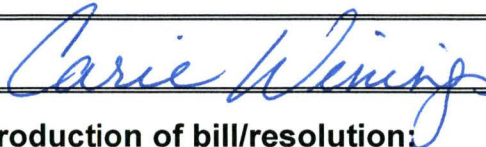
# 2017 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

SB 2135  
4/12/2017  
Job Number 30092

☐ Subcommittee  
☒ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

### Minutes:

Attachments: 1

**Chairman Poolman:** Opened the conference committee on SB 2135. I understand that there was a meeting in the Governor's office.

**Representative Koppelman:** We did have a conversation with the appropriations committee on our side and with the Governor's office. We think they understand some of our concerns about the citizen members and how they need to be organic members of the public and not to be viewed as bureaucrats, special interests, lawmakers, etc. From our perspective, it gives us a little more comfort in some of the language that was proposed from your side on the previous set of amendments. As to the appropriations committee discussion, we looked up what the amount was in the legislative council budget to deal with interim committee meetings, and I was given information from our appropriations committee chairman that indicated that the last few sessions we have not used all of the funds from our interim committees. That they based what they have in there this time on that, and that legislative council has the ability to move some stuff between line items to cover those that come up a little short.

### (3:05) See Attachment #1 for proposed amendments. (Explained the amendments.)

Used Senator Hogue's 13 version as a starting point for the amendments.

- Went back to 3 members from each chamber
- Secretary of State representative as a non-voting member (they should be neutral and are interested in process)
- Six citizen members - to balance with legislators
- Clarified board member or employee
- Added expenses to be paid by legislative council

**(6:40) Senator Hogue:** I thought we needed a deadline for these various entities that have appointment responsibility to make appointments. If you look at legislative management, what happens is they are elected and we have a very detailed process where legislators make their preferences known and based on those preferences, management assigns people to committees and it is done. If this was strictly a legislative committee I would be



comfortable with that, but with all of these different organizations, I think we need to have a deadline for them to make their appointments. I am open to any reasonable date. I am still concerned about the absence of a tribal and labor representative. I did a little more research on the Governor making appointments, and the person who used to do the appointments happens to be our Senate Appropriations clerk. She told me there are approximately 147 boards or commissions that the Governor has to fill. If you do that math for a typical commission, there are 1000 plus people that the Governor is appointing. It is a struggle to do that. They search around for people, and at the same time we keep appointing ourselves to more commissions and agencies as well. Just today we voted to put legislators on the state interoperability taskforce. I have come to find out that we have created so many positions on executive boards and commissions that there are not enough of us that are willing to serve. I continue to think it is the better policy to think about reducing that. Maybe 5 and 5 and maybe a tribal or labor representative. I think less is better.

**Representative Koppelman:** To the first point, I might not have quite understood the deadline. I don't think we would object to a reasonable deadline being put in for the Governor to appoint by a certain time. In talking to the Governor and his staff, they appreciated the piece where it talked about public notice of the position. They understood that this is a onetime deal, unless there is some hardship. The Governor felt that he might even meet with some legislators just to get suggestions on where to look for people to be diverse in those citizen appointments. I did not get the impression that he was concerned about appointing 6 members. He did mention that there are a number of boards and commissions that they do have to appoint for. I do not think they are every year. I think that they are staggered. I shared how I wanted this appointment process to be different and he assured us that it would be. That they would get out there and fill those positions. I think we are at 17 voting members and a total of 18 in this proposal and I think our position is that we are comfortable where we are on that.

**Senator Hogue:** How about a deadline of appointing commission members within 60 days of the effective date of this act?

**Representative Koppelman:** I think we would be agreeable to that.

**Representative Olson:** In our conversation with the Governor, he expressed his understanding of what we are looking to get out of the 6 citizen members and he was committed to finding the best representation of people from all sectors etc. I have a strong sense that the Governor has a very clear vision of what the citizen members should look like.

**Representative Koppelman:** Moved the House to recede from the House amendments and amend with 17.0399.07014 with the addition of a 60-day deadline for all appointed positions.

**Representative Olson: Seconded.**

**A Roll Call Vote Was Taken: 3 yeas, 3 nays, 0 absent.**

**Motion Failed.**

**Chairman Poolman: Adjourned the conference committee on SB 2135.**

# 2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Sheyenne River Room, State Capitol

SB 2135  
4/13/2017  
Job 30120

☐ Subcommittee  
☒ Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

## Minutes:

Attachments:1

**Chairman Poolman:** Opened the conference committee on SB 2135.

**Representative Koppelman:** See Attachment #1 for proposed amendment. (Walks through the amendment.)

- 1<sup>st</sup> page is the same as previous version
- 2<sup>nd</sup> page – 3 members from each chamber one from Senate will be from minority
- Secretary of State non-voting member
- 7 citizen members; one added one specifies a member of an association that represents employees and their interests. Gives flexibility to the Governor.
- Rest of the restrictions are the same as yesterday
- 3<sup>rd</sup> page – expenses paid by legislative council
- Deadline of 60 days added in for appointed members

**(4:30) Senator Hogue:** Thank you for your work on these amendments. I think this is a reasonable compromise. I would have liked to see that the legislature authorized a member of labor and a tribal member, but I guess I am comfortable if we go up with Governor's appointment numbers and specified an appointment with a labor group. I am confident that he will make an appointment of an enrolled member of a tribal nation as well. I support the amendments as a reasonable compromise.

**Representative Koppelman:** Moved the House recede from the House amendments and further amend with amendment 17.0399.07015.

**Representative Olson:** Seconded.

**A Roll Call Vote Was Taken:** 4 yeas, 1 nay, 1 absent.

**Motion Carried.**

**Senator Poolman and Representative Koppelman will carry the bill.**



PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1139-1141 of the House Journal and that Engrossed Senate Bill No. 2135 be amended as follows:

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and"

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, remove "Three members of the legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "Three members of the house of representatives appointed by the majority leader of the house of representatives, and three members of the senate, one of whom must be a member of the minority party, appointed by the majority leader of the senate"

Page 2, line 3, remove "member of a tribal nation appointed by the executive director of the Indian"

Page 2, line 4, replace "affairs commission" with "individual appointed as a nonvoting member by the secretary of state"

Page 2, line 5, replace "Three" with "Six"

Page 2, line 5, after "governor" insert ", who shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, remove "; and"

Page 2, line 10, remove:

- "i. One individual appointed by North Dakota united"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a board member or employee of an organization identified in subdivisions e through h of subsection 3, or an employee of the governor's office."

5."

Page 2, line 12, after the period insert "A vacancy must be filled by an individual who satisfies the criterion for the vacant position, such that the requirements in subsection 3 are met throughout the existence of the commission."

Page 2, line 13, replace "5." with "6."

Page 2, line 14, replace "6." with "7."

Page 2, line 18, after the period insert "The expenses of the commission are to be paid by the legislative council."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1139-1141 of the House Journal and that Engrossed Senate Bill No. 2135 be amended as follows:

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Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and"

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, remove "Three members of the legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "Three members of the house of representatives appointed by the majority leader of the house of representatives, and three members of the senate, one of whom must be a member of the minority party, appointed by the majority leader of the senate"

Page 2, line 3, remove "member of a tribal nation appointed by the executive director of the Indian"

Page 2, line 4, replace "affairs commission" with "individual appointed as a nonvoting member by the secretary of state"

Page 2, line 5, replace "Three" with "Seven"

Page 2, line 5, after "governor" insert ", who shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications. One of the seven must be a member of an association that represents employees and their interests"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, remove "; and"

Page 2, line 10, remove:

- "i. One individual appointed by North Dakota united"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a board member or employee of an organization identified in subdivisions e through h of subsection 3, or an employee of the governor's office."

5."

Page 2, line 12, after the period insert "A vacancy must be filled by an individual who satisfies the criterion for the vacant position, such that the requirements in subsection 3 are met throughout the existence of the commission."



Page 2, line 13, replace "5." with "6."

Page 2, line 14, replace "6." with "7."

Page 2, line 18, after the period insert "The expenses of the commission are to be paid by the legislative council."

8. All appointments of commission members must be completed within sixty days after the effective date of this Act."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

Date: \_\_\_\_\_  
Roll Call Vote #: \_\_\_\_\_

**2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2135 as (re) engrossed

**Senate GVA Committee**

- Action Taken**    ☐ **SENATE accede to House Amendments**  
☐ **SENATE accede to House Amendments and further amend**  
☐ **HOUSE recede from House amendments**  
☐ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Senators	4/5	4/6	4/11	Yes	No		Representatives	4/5	4/6	4/11	Yes	No
Senator Poolman (Chair)	X	X	X				Representative Koppelman	X	X	X		
Senator Hogue	X	X	X				Representative Chris D. Olson	X	X	X		
Senator Marcellais	X	X	X				Representative P. Anderson	X	X			
							Representative Johnston			X		
Total Senate Vote							Total Rep. Vote					

Vote Count      Yes: \_\_\_\_\_      No: \_\_\_\_\_      Absent: \_\_\_\_\_

Senate Carrier \_\_\_\_\_ House Carrier \_\_\_\_\_

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2135 as (re) engrossed

**Senate GVA Committee**

- Action Taken    ☐ **SENATE accede to House Amendments**  
☐ **SENATE accede to House Amendments and further amend**  
☐ **HOUSE recede from House amendments**  
☒ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Koppelman      Seconded by: Rep. Olson

Senators	4/12			Yes	No		Representatives	4/12			Yes	No
Senator Poolman (Chair)	X				X		Representative Koppelman	X			X	
Senator Hogue	X				X		Representative Chris D. Olson	X			X	
Senator Marcellais	X				X		Representative Johnston	X			X	
Total Senate Vote					3		Total Rep. Vote				3	

Vote Count      Yes: 3      No: 3      Absent: 0

Senate Carrier \_\_\_\_\_ House Carrier \_\_\_\_\_

LC Number 17.0399.07014 + addition\* . \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ . \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

\*Addition of 60 day deadline for all appointed positions



Date: 4/13  
Roll Call Vote #: 1

2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2135 as (re) engrossed

Senate GVA Committee

- Action Taken ☐ SENATE accede to House Amendments  
☐ SENATE accede to House Amendments and further amend  
☐ HOUSE recede from House amendments  
☒ HOUSE recede from House amendments and amend as follows  
  
☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Koppelman Seconded by: Representative Olson

Senators	4/12	4/13		Yes	No		Representatives	4/12	4/13		Yes	No
Senator Poolman (Chair)	X	✓		✓			Representative Koppelman	X	✓		✓	
Senator Hogue	X	✓		✓			Representative Chris D. Olson	X	✓		✓	
Senator Marcellais	X	✓			✓		Representative Johnston	X	Ab		Ab	
Total Senate Vote				2	1		Total Rep. Vote				2	

Vote Count Yes: 4 No: 1 Absent: 1

Senate Carrier Poolman House Carrier Koppelman

LC Number 17.0399.07015. of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 17.0399.07015  
Senate Carrier: Poolman  
House Carrier: B. Koppelman

**REPORT OF CONFERENCE COMMITTEE**

**SB 2135, as engrossed:** Your conference committee (Sens. Poolman, Hogue, Marcellais and Reps. B. Koppelman, Olson, Johnston) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1025-1026, adopt amendments as follows, and place SB 2135 on the Seventh order:

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1139-1141 of the House Journal and that Engrossed Senate Bill No. 2135 be amended as follows:

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and"

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, remove "Three members of the legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "Three members of the house of representatives appointed by the majority leader of the house of representatives, and three members of the senate, one of whom must be a member of the minority party, appointed by the majority leader of the senate"

Page 2, line 3, remove "member of a tribal nation appointed by the executive director of the Indian"

Page 2, line 4, replace "affairs commission" with "individual appointed as a nonvoting member by the secretary of state"

Page 2, line 5, replace "Three" with "Seven"

Page 2, line 5, after "governor" insert ", who shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications. One of the seven must be a member of an association that represents employees and their interests"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, remove "; and"

Page 2, line 10, remove:

- "i. One individual appointed by North Dakota united"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a board member or employee of an organization identified in subdivisions e through h of subsection 3, or an employee of the governor's office."

5."

Page 2, line 12, after the period insert "A vacancy must be filled by an individual who satisfies the criterion for the vacant position, such that the requirements in subsection 3 are met throughout the existence of the commission."

Insert LC: 17.0399.07015  
Senate Carrier: Poolman  
House Carrier: B. Koppelman

Page 2, line 13, replace "5." with "6."

Page 2, line 14, replace "6." with "7."

Page 2, line 18, after the period insert "The expenses of the commission are to be paid by the legislative council."

8. All appointments of commission members must be completed within sixty days after the effective date of this Act."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

Engrossed SB 2135 was placed on the Seventh order of business on the calendar.



**2017 TESTIMONY**

**SB 2135**

1 TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2135

2 Government and Veterans Affairs Committee

3 January 13, 2017 9:30 am

4  
5  
6 Good morning Madam Chair Poolman and members of the committee. My  
7 name is David Hogue. I am a North Dakota state senator representing District 38.  
8 I am before your committee to testify in support of Senate Bill 2135.

9 SB 2135 relates to the formation of a broad-based interim committee to  
10 conduct a comprehensive study of North Dakota's initiated measure and referral  
11 process. The fundamental tenets of our initiated measure/referral law is  
12 contained in our state constitution while administrative law related to initiated  
13 measures is found in statutory law. The charge of the proposed committee would  
14 be to examine all our laws with a view to making recommendations to the 66<sup>th</sup>  
15 Legislative Assembly.

16 Madam Chair Poolman this is my fifth legislative session and I can say that  
17 during each session legislators and interest groups have raised questions about  
18 the initiated measure process and whether the process could be improved. In  
19 one of my first sessions, there were concerns raised about the signature gathering

1 process in the wake of several individuals in Cass County that plead guilty to  
2 fraudulently obtaining petition signatures. During another session, there were  
3 concerns expressed about the Secretary of State and Supreme Court's review of  
4 petitions to insure they comply with the law. Under current law, the Secretary of  
5 State and Supreme Court have a small window to review measures before they go  
6 on the ballot. During this session, there is significant concern about state  
7 government's ability to implement certain provisions of the medical marijuana  
8 initiated measure. The ND DoH is requesting additional time to implement the  
9 provisions contained within that measure.

10 I will not engage in a discussion about the merits of any of the 23 measures  
11 that have been on the ballot in the last three election cycles. My primary interest  
12 in forming this committee relates to two state interests, the preservation of self-  
13 governance and the orderly implementation of policies contained in initiated  
14 measures that the people adopt through popular vote. As an elected official, I  
15 recognize the Latin maxim "Vox Populi Vox Dei"--The voice of the people is the  
16 voice of God. We as legislators are appropriately deferential to the vote of the  
17 people, but that deference should not cause us to hesitate to examine our  
18 process and decide whether the process leads to orderly development of policy



1 based on the will of the people. It should not give us pause to determine whether  
2 the laws' current status unduly exposes the state to outside interests.

3 SB 2135 invites participation from all three branches of state government.  
4 It also reaches out to several "grass roots," North Dakota-based organizations that  
5 have participated in the initiated measure process in the past several election  
6 cycles. My objective in inviting broad-based participation is to develop a list of  
7 recommendations that will improve the process and make sure it works for all  
8 stakeholders. My hunch is that the grass roots organizations that participate in  
9 the process have expertise that can be useful to the formulation of any suggested  
10 changes.

11 I have been approached by several other organizations that desire  
12 membership on the interim committee. I do not object additional members, but I  
13 think it should be limited to North Dakota-based "grass roots" organizations that  
14 have a history of participating in the process.

15 SB 2135 also contains an appropriation of \$50,000. That amount is  
16 intended to reimburse non-legislative committee members for travel expenses. I  
17 would anticipate that legislative members could be reimbursed through the  
Legislative Council agency budget.

1 I have attached a couple of references to my testimony for your review.

2 The first relates to the ballot summary of the initiated measures from the fall  
3 2016 election. The other attachment is the history of measure for the last three  
4 election cycles.

5 Madam Chair Poolman and committee members, thank you for your  
6 consideration of this bill.

**OFFICIAL BALLOT LANGUAGE  
FOR MEASURES APPEARING ON THE  
ELECTION BALLOT  
November 8, 2016**

Vote by darkening the oval either opposite the word "YES" or "NO" following the explanation of each measure.

**Constitutional Measure No. 1  
(Senate Concurrent Resolution No. 4010, 2015 Session Laws, Ch. 500)**

This constitutional measure would amend and reenact section 5 of Article IV of the North Dakota Constitution and prohibit an individual from serving in the legislative assembly, unless the individual lives in the district from which he or she was selected.

- ☐ **YES** – means you approve the measure summarized above.
- ☐ **NO** – means you reject the measure summarized above.

**Constitutional Measure No. 2  
(Senate Concurrent Resolution No. 4003, 2015 Session Laws, Ch. 499)**

This constitutional measure would amend and reenact section 24 of Article X of the North Dakota Constitution by depositing ten percent of the revenue from oil extraction taxes in the common schools trust fund and ten percent of the revenue in the foundation aid stabilization fund. Except as otherwise provided, the principal of the foundation aid stabilization fund may be expended upon order of the Governor, only to offset reductions in state aid to school districts due to a revenue shortage. The measure also would allow the legislative assembly to use any excess principal balance of the foundation aid stabilization fund for education-related purposes whenever the balance exceeds fifteen percent of the general fund appropriation for state aid to school districts for the most recently completed biennium.

- ☐ **YES** – means you approve the measure summarized above.
- ☐ **NO** – means you reject the measure summarized above.

**Initiated Constitutional Measure No. 3**

This initiated measure would add a new section to Article I of the North Dakota Constitution which would provide certain rights to victims of crime in this state, including the right to be treated with respect, to be free from harassment, and to be protected from the accused. The measure would provide for the right to prevent the disclosure of confidential information about the victim; to refuse or limit questioning of the victim; to notice of, and presence at, court proceedings; and to notice of release or escape of the accused. The measure would provide for the right to be heard in court proceedings, to provide information about the impact of the offender's conduct, and to receive reports relevant to these rights. The measure would provide for the right to restitution from an offender for losses suffered as a result of criminal conduct; to be informed of the outcome of the case and of the detention or other disposition of the offender; and to be informed of, and participate in, post-judgment processes.

- ☐ **YES** – means you approve the measure summarized above.
- ☐ **NO** – means you reject the measure summarized above.



**Initiated Statutory Measure No. 4**

This initiated measure would provide for a new veterans' tobacco tax trust fund in North Dakota Century Code Chapter 37-14 to fund certain veterans' programs. This fund, among others, would be supported by an increase in the excise tax on cigarettes from \$0.44 to \$2.20 per package of twenty cigarettes, as well as an increase in the excise tax on cigars from 28% to 56% of the wholesale purchase price at which the product is purchased by distributors. The excise tax on all other tobacco products is increased a commensurate amount. The measure also would create an inventory tax on cigarettes and tobacco products. All revenues received by the tax commissioner under this measure would be allocated among the State's general fund, the veterans' tobacco trust fund, and the community health trust fund. The measure would create and amend provisions in Chapter 57-36, including new definitions for inhalation devices, liquid nicotine, and tobacco products; prohibiting retailers from being distributors and requiring distributors to keep additional records; setting requirements for registration of liquid nicotine retailers; and regulating the alteration of liquid nicotine. Finally, the measure would repeal two provisions of current law related to an excise tax on cigarettes and the exemption for taxes on cigarettes and tobacco products given to occupants of the State's veterans' home and the state hospital.

- ☐ **YES** – means you approve the measure summarized above.
- ☐ **NO** – means you reject the measure summarized above.

**Initiated Statutory Measure No. 5**

This initiated measure would add a new chapter to Title 19 of the North Dakota Century Code creating an Act which provides for the medical use of marijuana for defined medical conditions, such as cancer, AIDS, hepatitis C, ALS, glaucoma, and epilepsy. To participate in the program, the Act would provide for identification cards and certificates of registration which would be issued by the Department of Health for patients, caregivers, and qualified facilities, if all requirements are met. The Act would create provisions for monitoring, inventorying, dispensing, cultivating and growing marijuana to be regulated and enforced by the Department of Health. A qualified patient could be dispensed up to three ounces of usable marijuana, and could grow marijuana if his or her home is located more than forty miles from the nearest registered facility. For violations, the Act would authorize the Department of Health to provide for corrective action, suspension, revocation, appeal, hearings, and referral for criminal prosecution. The Act would require the Department of Health to submit an annual report to the legislature regarding program statistics.

- ☐ **YES** – means you approve the measure summarized above.
- ☐ **NO** – means you reject the measure summarized above.

	Type of Election	Election Date	Type of Action	Subject Content (Session Laws Citation)	Votes			
					For	Against	Total	Action
478.	General	2006 (11/7)	Const. Amend. (Petit.)	The taking of private property for public use. (S.L. 2007, ch. 578)	137,660	66,302	203,962	A
479.	General	2006 (11/7)	Initiative	Provides that each parent is entitled to joint legal and physical custody of their children and child support not be greater than actual cost for basic needs. (S.L. 2007, ch. 579)	91,225	118,048	209,273	R
480.	Primary	2008 (6/10)	Const. Amend. (Legis.)	Appointment of member of Legislative Assembly to a full-time appointive state office regardless of increase in compensation to that office during member's term. (S.L. 2009, ch. 639; S.L. 2007, ch. 583) (HCR 3016)	35,888	48,644	84,532	R
481.	General	2008 (11/4)	Const. Amend. (Legis.)	Establishment and use of a permanent oil tax trust fund. (S.L. 2009, ch. 640; S.L. 2007, ch. 584) (HCR 3045)	108,748	193,111	301,859	R
482.	General	2008 (11/4)	Initiative	Reduces income tax rate for corporations by 15 percent and reduces individual income tax rates by 50 percent. (S.L. 2009, ch. 638)	91,412	210,598	302,010	R
483.	General	2008 (11/4)	Initiative	Establishes a tobacco prevention and control advisory committee and an executive committee; develop and fund a comprehensive statewide tobacco prevention and control plan and trust fund. (S.L. 2009, ch. 636)	162,793	139,034	301,827	A
484.	General	2008 (11/4)	Initiative	Provides for appointment by Governor of director for Workforce Safety and Insurance agency; placement of its employees into state personnel system; and appointment of independent administrative law judges to conduct hearings. (S.L. 2009, ch. 637)	196,531	96,457	292,988	A
485.	General	2010 (11/2)	Const. Amend. (Legis.)	Establishment and use of a North Dakota legacy fund. (S.L. 2009, ch. 641; S.L. 2011, ch. 518) (HCR 3054)	141,783	81,245	223,028	A
486.	General	2010 (11/2)	Initiative	Fee killing of certain captive game animals prohibited. (S.L. 2011, ch. 517)	99,852	130,272	230,124	R
487.	Primary	2012 (6/12)	Const. Amend. (Legis.)	Legislative Assembly appointments. (S.L. 2011, ch. 519; S.L. 2013, ch. 515) (HCR 3047)	96,951	63,350	160,301	A
488.	Primary	2012 (6/12)	Const. Amend. (Petit.)	Elimination of property taxes and replacement of lost revenue. (S.L. 2013, ch. 511)	40,438	131,903	172,341	R
489.	Primary	2012 (6/12)	Const. Amend. (Petit.)	Government prohibited from burdening the exercise of religious liberty. (S.L. 2013, ch. 512)	60,611	107,831	168,442	R
490.	Primary	2012 (6/12)	Referendum	University of North Dakota athletic nickname and logo. (S.L. 2013, ch. 514) (SB 2370)	113,865	55,225	169,090	A
491.	General	2012 (11/6)	Const. Amend. (Legis.)	Elimination of annual poll tax. (S.L. 2011, ch. 520; S.L. 2013, ch. 516) (SCR 4006)	206,150	82,818	288,668	A
492.	General	2012 (11/6)	Const. Amend. (Legis.)	Oath of office for elected and appointed officials. (S.L. 2011, ch. 521; S.L. 2013, ch. 517) (HCR 3009)	259,497	32,926	292,423	A
493.	General	2012 (11/6)	Const. Amend. (Petit.)	Practices of farming and ranching. (S.L. 2013, ch. 509)	201,920	99,934	301,854	A
494.	General	2012 (11/6)	Initiative	Prohibiting smoking in public places and worksites. (S.L. 2013, ch. 510)	209,456	104,730	314,186	A
495.	General	2012 (11/6)	Initiative	Prevention of animal cruelty. (S.L. 2013, ch. 513)	109,395	206,546	315,941	R

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	Type of Election	Election Date	Type of Action	Subject Content (Session Laws Citation)	Votes			
					For	Against	Total	Action
496.	Primary	2014 (6/10)	Const. Amend. (Legis.)	Adjustment of deadlines for initiated measure petitions. (S.L. 2013, ch. 518) (HCR 3034)	43,868	38,051	81,919	A
497.	General	2014 (11/4)	Const. Amend. (Legis.)	Inalienable right to life of every human being at every stage of development. (S.L. 2013, ch. 519) (SCR 4009)	90,224	161,303	251,527	R
498.	General	2014 (11/4)	Const. Amend. (Legis.)	Prohibition of the imposition of mortgage taxes or any sales or transfer taxes on the mortgage or transfer of real property. (S.L. 2013, ch. 520) (HCR 3006)	188,283	60,478	248,761	A
499.	General	2014 (11/4)	Const. Amend. (Legis.)	Repealing the existing Board of Higher Education and creating a three member commission of higher education appointed by the Governor. (S.L. 2013, ch. 521) (HCR 3047)	61,007	182,492	243,499	R
500.	General	2014 (11/4)	Const. Amend. (Legis.)	Fiscal impact of measures to initiate constitutional amendments and placing of initiated measures on the ballot. (S.L. 2013, ch. 522) (HCR 3011)	104,245	135,899	240,144	R
501.	General	2014 (11/4)	Const. Amend. (Petit.)	A clean water, wildlife, and parks trust, and a clean water, wildlife, and parks fund.	51,775	199,305	251,080	R
502.	General	2014 (11/4)	Initiative	Parental rights and responsibilities.	92,807	152,004	244,811	R
503.	General	2014 (11/4)	Initiative	Operation of a pharmacy.	102,731	147,644	250,375	R
504.	General	2014 (11/4)	Initiative	School classes beginning after Labor Day.	109,489	136,963	246,452	R

\*\*Although Alternate Proposition Number 2A was approved on April 4, 1972, it was never enacted because the 1972 constitution was not adopted.

\*\*\*Statewide vote recount, first since 1974 election recount between Milton R. Young and William L. Guy for the United States Senate seat.

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*Great Public Schools**Great Public Service*

Testimony before the Senate Government and Veterans Affairs Committee  
SB 2135  
January 13, 2017

Chairwoman Poolman, members of the Committee:

For the record, my name is Nick Archuleta and I am the president of North Dakota United. I rise today in support of SB 2135, with a request that the Senate GVA Committee amend the bill to include a member of North Dakota United.

North Dakota United is uniquely qualified to serve on this committee charged with studying the processes surrounding the utilization of the initiated and referral measures available to the citizenry of North Dakota. We have, for good or ill, been drawn into these processes several times in our past. Our history with the process includes successes and failures. We worked on the tax referrals in the late 1980's, fought the effort to greatly reduce the personal and corporate income taxes in 2008 and the effort to eliminate property taxes in 2012, and just last fall, ND United took the lead in passing Constitutional Measure 2, which has been extremely helpful in allowing the legislature to keep its promise to fully fund K-12 education. In many of these endeavors, ND United has worked with the Greater ND Chamber, the ND Farmers Union and many other groups with similar interests in either advocating for or defeating specific measures.

Like most North Dakotans, NDU's 11,500 members strongly support the Initiated and Referral process. North Dakotans feel that these processes give them a voice on the rare occasion that the actions of the legislative majority run counter to the will of the voters that put them in office.

We know that this process is not perfect but it is as popular in North Dakota as our members. We believe that our experiences with the process can go a very long way in making it better and we would welcome the inclusion of ND United on the Initiated and Referred Study Commission.

With that, Chairwoman Poolman, I conclude my testimony and urge a DO PASS recommendation on SB 2135, with the inclusion of a member from North Dakota United.

I will stand for questions.

**Testimony for 2017 Senate Bill 2135  
Senate Government and Veteran Affairs Committee  
Presented by Waylon Hedegaard  
President of the North Dakota AFL-CIO  
January 9<sup>th</sup>.**

Madame Chair, Members of the Committee:

My name is Waylon Hedegaard, President of the North Dakota AFL-CIO. I am here today to provide brief testimony on Senate Bill 2135.

The ballot initiative and referendum process is at the heart of democracy in North Dakota. This process provides an essential check and balance within our democratic system and our entire system is built on checks and balances.

Outside that, it provides something even more critical to a democracy and that is faith in the system. With the initiative and referendum process, the people always have an option of taking their own issues before the public and have their fellow citizens vote on them directly. In these times of uncertainty, I feel it is critical to maintain people's trust in the system.

The north Dakota AFL-CIO takes no issue with the study. I am a believer that we should always be looking for ways to improve processes. My issue is with the possible lack of points of view within the study commission. As written, I don't see the possibility for many members from my side of the table to take part in this study.

I have talked to Senator Hogue directly about these concerns and now I bring them before this committee. Please consider amending this bill to include more groups such as education, labor and others.

This would greatly help to legitimize this commission in the eyes of many North Dakotans, and I would withdraw my opposition.

Thank you for hearing me, and I would stand for any questions.



## TESTIMONY OF KENT FRENCH

SB2135

We should probably start with the fact that the sponsors of this bill are members, and in some cases leaders of the second most powerful group in North Dakota, the North Dakota Legislative Assembly. Of course, the most powerful group in North Dakota is the North Dakota voters.

SB 2135 appears to be an attempt by the second most powerful group to subordinate the power of the most important group to the legislature. It's about power, isn't it? The voters do not want their power diminished.

It is important to consider not only the near-term effects of this legislation, but also the impact it may have on future generations.

The legislature may have good intentions for SB 2135 now because some of the initiated measures that succeeded in the previous election produced effects that may have caused unintended problems. However, that is the same result as some legislative action. While initiated measures do not allow for the deliberative process that is the legislature, for the legislature to then overreact by attempting



to complicate or take away the rights of North Dakota citizens to initiate is not a solution.

In 1989, I spearheaded 3 tax referrals and a lawmaker retirement program. Later on, I referred binding arbitration for teachers and the historic term limits (the 1<sup>st</sup> in the US). The State's leaders told the people during the referrals that government was going to have to be shut down; that we wouldn't have enough money for the Highway Patrol to deliver blood from one city to another; that schools would not have enough money for copier paper, that the State Penitentiary would have to restrict light bulb use by half. Meanwhile, the lawmakers passed a retirement plan for themselves because they said they "deserved it."

That year, I had to borrow from my own money to keep lawmakers from giving themselves a retirement program that would have cost North Dakota taxpayers \$110 million in increased sales, income and gas taxes. Yes, at that time, the government was a "tax and spend" entity that would not listen to the voters, but we, the voters exercised our rights through referral, to give ourselves a voice. If

the voters had not put the brakes on government at that time, where would our budgets be today?

After working for years, spending my own money to defeat tax and spend law makers, I am disappointed, but not necessarily surprised that this bill takes money from the taxpayers to devise a plan to restrict their own ability to redress a non-responsive government. This bill authorizes \$50,000 of taxpayer money to stop or slow down our present system that may not be perfect, but does work.

You as lawmakers must understand that future legislative bodies will use this bill as fuel to continue the restriction of citizen/taxpayer rights. Don't start down this slippery slope. What will future legislative bodies do that will further limit the rights of the people?

I am reminded of President Obama's comments in Brussels when he said that "we, who govern need to do things that the public just doesn't understand, that is for the greater good." Well, we the people of North Dakota do understand; and this bill will start us on a slippery slope toward restricting taxpayers' rights.

Restricting taxpayer rights should not be offered as a solution in America.

## SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

SB 2135

Chairman Poolman and members of the committee,

I am Senator Joan Heckaman from District 23 and also the Senate Minority Leader. I am here with concern over SB 2135.

The initiated and referred measure process in North Dakota has been an important tool in connecting citizens to the process of democracy. Now I know this is just a commission to study the process. But given the number of years that these two processes have been in effect, what is to be gained by the study commission?

The initiated ballot process is the only direct way for North Dakota citizens to enact public policy without going through the legislature.

I am concerned about how this special commission could potentially make it harder for citizens to enact policies that are in the best interests of their fellow North Dakotans.

I am especially concerned that, in its current form, this special commission would only include Majority appointed members. The minority party in the House and Senate will not have the ability to appoint any members to this commission, nor will its recommendations be informed by bipartisan input.

Moreover, the commission would potentially be tasked with preparing draft resolutions to amend the state constitution and alter the initiated ballot measure process again without any guarantee of bipartisan input.

Thank you for the opportunity to speak to you today and I would stand for any questions you may have.



AMENDMENT TO SB 2135

*Heckaman Amendment*

Commission must consist of:

Two members of the house of representatives-one appointed by the majority leader of the house of representatives and one appointed by the minority leader of the house of representatives.

Two members of the senate-one appointed by the majority leader of the senate and one appointed by the minority leader of the senate.

SB 2135 – Testimony by Dustin Gawrylow (Lobbyist #215) North Dakota Watchdog Network

Senate Bill 2135 seeks to create a committee to study the initiated measure process.

As written, this committee contains no average citizens with connections to previous initiated measures.

The State Constitution protects the process, the legislature should stay out of the business of altering the process and focus on the campaign finance side of the equation.

This committee should look at helping the system work for average citizens, and against out of state interests trying to hijack our legal system.

### ARTICLE III POWERS RESERVED TO THE PEOPLE

**Section 1.** While the legislative power of this state shall be vested in a legislative assembly consisting of a senate and a house of representatives, the people reserve the power to propose and enact laws by the initiative, including the call for a constitutional convention; to approve or reject legislative Acts, or parts thereof, by the referendum; to propose and adopt constitutional amendments by the initiative; and to recall certain elected officials. This article is self-executing and all of its provisions are mandatory. Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers.

**Section 2.** A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure.

The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

**Section 3.** The petition shall be circulated only by electors. They shall swear thereon that the electors who have signed the petition did so in their presence. Each elector signing a petition shall also write in the date of signing and his post-office address. No law shall be enacted limiting the number of copies of a petition. The copies shall become part of the original petition when filed.

**Section 4.** The petition may be submitted to the secretary of state if signed by electors equal in number to two percent of the resident population of the state at the last federal decennial census.

**Section 5.** An initiative petition shall be submitted not less than one hundred twenty days before the statewide election at which the measure is to be voted upon. A referendum petition may be submitted only within ninety days after the filing of the measure with the secretary of state. The submission of a petition shall suspend the operation of any measure enacted by the legislative assembly except emergency measures and appropriation measures for the support and maintenance of state departments and institutions. The submission of a petition against one or more items or parts of any measure shall not prevent the remainder from going into effect. A referred measure may be voted upon at a statewide election or at a special election called by the governor.

**Section 6.** The secretary of state shall pass upon each petition, and if the secretary of state finds it insufficient, the secretary of state shall notify the "committee for the petitioners" and allow twenty days for correction. All decisions of the secretary of state in regard to any petition are subject to review by the supreme court. But if the sufficiency of the petition is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no subsequent decision shall invalidate the measure if it is at the election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof is upon the party attacking it and the



proceedings must be filed with the supreme court no later than seventy-five days before the date of the statewide election at which the measure is to be voted upon.

**Section 7.** All decisions of the secretary of state in the petition process are subject to review by the supreme court in the exercise of original jurisdiction. A proceeding to review a decision of the secretary of state must be filed with the supreme court no later than seventy-five days before the date of the statewide election at which the measure is to be voted upon. If the decision of the secretary of state is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no court action shall invalidate the measure if it is approved at the election by a majority of the votes cast thereon.

**Section 8.** If a majority of votes cast upon an initiated or a referred measure are affirmative, it shall be deemed enacted. An initiated or referred measure which is approved shall become law thirty days after the election, and a referred measure which is rejected shall be void immediately. If conflicting measures are approved, the one receiving the highest number of affirmative votes shall be law. A measure approved by the electors may not be repealed or amended by the legislative assembly for seven years from its effective date, except by a two-thirds vote of the members elected to each house.

**Section 9.** A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. All other provisions relating to initiative measures apply hereto.

**Section 10.** Any elected official of the state, of any county or of any legislative or county commissioner district shall be subject to recall by petition of electors equal in number to twenty-five percent of those who voted at the preceding general election for the office of governor in the state, county, or district in which the official is to be recalled.

The petition shall be filed with the official with whom a petition for nomination to the office in question is filed, who shall call a special election if he finds the petition valid and sufficient. No elector may remove his name from a recall petition.

The name of the official to be recalled shall be placed on the ballot unless he resigns within ten days after the filing of the petition. Other candidates for the office may be nominated in a manner provided by law. When the election results have been officially declared, the candidate receiving the highest number of votes shall be deemed elected for the remainder of the term. No official shall be subject twice to recall during the term for which he was elected.

17.0399.04001  
Title.

Prepared by the Legislative Council staff for  
Senator Hogue  
January 17, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2135

Page 2, line 1, remove "Two members of the house of representatives appointed by the majority leader of"

Page 2, line 2, replace "the house of representatives" with "Three members of the legislative assembly, at least one of whom is a member of the minority party, appointed by the legislative management"

Page 2, line 3, replace "Two senators appointed by the majority leader of the senate" with "One member of a tribal nation appointed by the executive director of the Indian affairs commission"

Page 2, line 18, replace "\$50,000" with "\$25,000"

Renumber accordingly

17.0399.04002  
Title.

Prepared by the Legislative Council staff for  
Senator Hogue

January 18, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2135

Page 2, line 4, replace "One individual" with "Three citizen members"

Renumber accordingly



17.0399.04000

Sixty-fifth

**SENATE BILL NO. 2135**

Legislative Assembly

Of North Dakota

Introduced by

Senators Hogue, Klein, Wardner

Representatives Carlson, K. Koppelman, Vigesaa

A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; and to provide an appropriation.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. INITIATED AND REFERRED MEASURE STUDY COMMISSION - DUTIES -  
MEMBERSHIP - REPORT TO LEGISLATIVE MANAGEMENT.**

1. During the 2017-18 interim, an initiated and referred measure study commission shall undertake a comprehensive study of the initiated and referred measure laws of North Dakota. The commission shall study, among other subjects:
  - a. The process and cost of placing initiated and referred measures on the ballot and campaigning in support of or opposition to ballot measures in North Dakota;
  - b. The processes used to place initiated and referred measures on the ballot in other states; and
  - c. Whether any provision of the state constitution or state law relating to initiated or referred measures should be amended. If an amendment is warranted, the commission shall prepare a draft resolution to amend the constitution or a draft bill to amend the state law for consideration by the next legislative assembly.
2. The commission shall hold at least four meetings and report its findings and any recommendations, together with any legislation required to implement the recommendations, to the legislative management before September 1, 2018.

3. The commission must consist of:

- a. One individual appointed by the chief justice of the supreme court, who shall serve as the commission chairman;
- ~~b. Two members of the house of representatives appointed by the majority leader of the house of representatives~~ Three members of the legislative assembly, at least one of whom is a member of the minority party, appointed by the legislative management;
- c. ~~Two senators appointed by the majority leader of the senate~~ One member of a tribal nation appointed by the executive director of the Indian affairs commission;
- d. ~~One individual~~ Three citizen members appointed by the governor;
- e. One individual appointed by the greater North Dakota chamber;
- f. One individual appointed by the North Dakota newspaper association;
- g. One individual appointed by the North Dakota farm bureau; ~~and~~
- h. One individual appointed by the North Dakota farmer's union. ;
- i. One individual appointed by North Dakota United.

4. The chairman of the legislative management committee may fill any vacancy on the commission.

5. The commission may request appropriate staff services from the legislative council.

6. Commission members are entitled to mileage and expenses as provided by law for state officers and employees. Commission members who are members of the legislative assembly also are entitled to compensation for attendance at commission meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of ~~\$50,000~~ \$25,000, or so much of the sum as may be necessary, to the legislative council for the purpose of reimbursing commission members and staff for travel necessary to carry out commission duties as provided in section 1 of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.

January 26, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2135

Page 2, line 1, remove "Two members of the house of representatives appointed by the majority leader of"

Page 2, line 2, replace "the house of representatives" with "Three members of the legislative assembly, at least one of whom is a member of the minority party, appointed by the legislative management"

Page 2, line 3, replace "Two senators appointed by the majority leader of the senate" with "One member of a tribal nation appointed by the executive director of the Indian affairs commission"

Page 2, line 4, replace "One individual" with "Three citizen members"

Page 2, line 7, remove "and"

Page 2, line 8, after "union" insert "; and"

i. One individual appointed by North Dakota United"

Page 2, line 18, replace "\$50,000" with "\$25,000"

Renumber accordingly



1 TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2135

2 Senate Appropriations Committee

3 February 6, 2017 11:00 am

SB 2135

2-6-17

#1 p. 1

4  
5  
6 Good morning Chairman Holmberg and members of the committee. My  
7 name is David Hogue. I am a North Dakota state senator representing District 38.  
8 I am before your committee to testify in support of Senate Bill 2135.

9 I support SB 2135 because I think it is important for North Dakota to take a  
10 comprehensive review of our initiated measure and referral law process. In the  
11 past four sessions that I have been a member of the Legislative Assembly, we  
12 have experienced significant issues with the process that suggest a review would  
13 be appropriate. Past Legislative Assemblies have also tinkered with the process,  
14 but there has not been a comprehensive review in many years.

15 Although not everyone has the same concerns, at least four concerns have  
16 been expressed in recent sessions. They include ballot fraud, the influence of out  
17 of state resources and money, the absence of restrictions on the number of  
18 measures that can be put on the ballot, the absence of restrictions on what may

1 be incorporated into the constitution, the absence of restrictions the amount of  
2 content.

3 That spending may be incorporated into the constitution is the loophole  
4 that keeps me engaged on this subject.

5 The fundamental tenets of our initiated measure and referral process are  
6 contained in our constitution. The administrative provisions are contained in  
7 statute. As an elected official, I recognize the Latin maxim "Vox Populi Vox Dei"--  
8 The voice of the people is the voice of God. We as legislators must be deferential  
9 to the voice of the people.

10 Given our duty to be deferential, how do we address these issues that I  
11 have mentioned.? I think an interim study with stakeholders on the proposed  
12 committee is the best way to develop consensus and achieve a proposal that will  
13 be accepted by the people at the ballot box. Of course, any proposal that the  
14 committee makes must be approved by the 66<sup>th</sup> Legislative Assembly and must be  
15 approved by the voters of North Dakota.

16 In the original bill, I selected interest groups who in the past have engaged  
17 in the initiated measure and referral process. I solicited input from these groups  
18 and every group enthusiastically agreed to serve on the proposed committee.

SB 2135

2-6-17

#1 p.3

1 During the initial hearing on the bill in the Senate GVA, more groups came  
2 forward and offered to participate on the study committee. These new  
3 volunteers include labor, and a representative from one of our Native American  
4 tribes. In addition, the GVA Committee felt that there should be more  
5 representation from ordinary folks. Thus, the bill was amended to allow the  
6 governor to appoint three members instead of one.

7 I fully support SB 2135 in its amended form. We need a study that is  
8 comprehensive and one that is inclusive. SB 2135 is inclusive and will hopefully  
9 lead to a comprehensive study that will make recommendations to the 66<sup>th</sup>  
10 Legislative Assembly.

11 Chairman Holmberg, that concludes my testimony and I would be happy to  
12 try to answer questions.

13



SB 2135  
2-6-17  
#1 p. 4

#### Initiated Statutory Measure No. 4

This initiated measure would provide for a new veterans' tobacco tax trust fund in North Dakota Century Code Chapter 37-14 to fund certain veterans' programs. This fund, among others, would be supported by an increase in the excise tax on cigarettes from \$0.44 to \$2.20 per package of twenty cigarettes, as well as an increase in the excise tax on cigars from 28% to 56% of the wholesale purchase price at which the product is purchased by distributors. The excise tax on all other tobacco products is increased a commensurate amount. The measure also would create an inventory tax on cigarettes and tobacco products. All revenues received by the tax commissioner under this measure would be allocated among the State's general fund, the veterans' tobacco trust fund, and the community health trust fund. The measure would create and amend provisions in Chapter 57-36, including new definitions for inhalation devices, liquid nicotine, and tobacco products; prohibiting retailers from being distributors and requiring distributors to keep additional records; setting requirements for registration of liquid nicotine retailers; and regulating the alteration of liquid nicotine. Finally, the measure would repeal two provisions of current law related to an excise tax on cigarettes and the exemption for taxes on cigarettes and tobacco products given to occupants of the State's veterans' home and the state hospital.

- ☐ YES – means you approve the measure summarized above.
- ☐ NO – means you reject the measure summarized above.

#### Initiated Statutory Measure No. 5

This initiated measure would add a new chapter to Title 19 of the North Dakota Century Code creating an Act which provides for the medical use of marijuana for defined medical conditions, such as cancer, AIDS, hepatitis C, ALS, glaucoma, and epilepsy. To participate in the program, the Act would provide for identification cards and certificates of registration which would be issued by the Department of Health for patients, caregivers, and qualified facilities, if all requirements are met. The Act would create provisions for monitoring, inventorying, dispensing, cultivating and growing marijuana to be regulated and enforced by the Department of Health. A qualified patient could be dispensed up to three ounces of usable marijuana, and could grow marijuana if his or her home is located more than forty miles from the nearest registered facility. For violations, the Act would authorize the Department of Health to provide for corrective action, suspension, revocation, appeal, hearings, and referral for criminal prosecution. The Act would require the Department of Health to submit an annual report to the legislature regarding program statistics.

- ☐ YES – means you approve the measure summarized above.
- ☐ NO – means you reject the measure summarized above.

	Type of Election	Election Date	Type of Action	Subject Content (Session Laws Citation)	Votes			
					For	Against	Total	Action
478.	General	2006 (11/7)	Const. Amend. (Petit.)	The taking of private property for public use. (S.L. 2007, ch. 578)	137,660	66,302	203,962	A
479.	General	2006 (11/7)	Initiative	Provides that each parent is entitled to joint legal and physical custody of their children and child support not be greater than actual cost for basic needs. (S.L. 2007, ch. 579)	91,225	118,048	209,273	R
480.	Primary	2008 (6/10)	Const. Amend. (Legis.)	Appointment of member of Legislative Assembly to a full-time appointive state office regardless of increase in compensation to that office during member's term. (S.L. 2009, ch. 639; S.L. 2007, ch. 583) (HCR 3016)	35,888	48,644	84,532	R
481.	General	2008 (11/4)	Const. Amend. (Legis.)	Establishment and use of a permanent oil tax trust fund. (S.L. 2009, ch. 640; S.L. 2007, ch. 584) (HCR 3045)	108,748	193,111	301,859	R
482.	General	2008 (11/4)	Initiative	Reduces income tax rate for corporations by 15 percent and reduces individual income tax rates by 50 percent. (S.L. 2009, ch. 638)	91,412	210,598	302,010	R
483.	General	2008 (11/4)	Initiative	Establishes a tobacco prevention and control advisory committee and an executive committee; develop and fund a comprehensive statewide tobacco prevention and control plan and trust fund. (S.L. 2009, ch. 636)	162,793	139,034	301,827	A
484.	General	2008 (11/4)	Initiative	Provides for appointment by Governor of director for Workforce Safety and Insurance agency; placement of its employees into state personnel system; and appointment of independent administrative law judges to conduct hearings. (S.L. 2009, ch. 637)	196,531	96,457	292,988	A
485.	General	2010 (11/2)	Const. Amend. (Legis.)	Establishment and use of a North Dakota legacy fund. (S.L. 2009, ch. 641; S.L. 2011, ch. 518) (HCR 3054)	141,783	81,245	223,028	A
486.	General	2010 (11/2)	Initiative	Fee killing of certain captive game animals prohibited. (S.L. 2011, ch. 517)	99,852	130,272	230,124	R
487.	Primary	2012 (6/12)	Const. Amend. (Legis.)	Legislative Assembly appointments. (S.L. 2011, ch. 519; S.L. 2013, ch. 515) (HCR 3047)	96,951	63,350	160,301	A
488.	Primary	2012 (6/12)	Const. Amend. (Petit.)	Elimination of property taxes and replacement of lost revenue. (S.L. 2013, ch. 511)	40,438	131,903	172,341	R
489.	Primary	2012 (6/12)	Const. Amend. (Petit.)	Government prohibited from burdening the exercise of religious liberty. (S.L. 2013, ch. 512)	60,611	107,831	168,442	R
490.	Primary	2012 (6/12)	Referendum	University of North Dakota athletic nickname and logo. (S.L. 2013, ch. 514) (SB 2370)	113,865	55,225	169,090	A
491.	General	2012 (11/6)	Const. Amend. (Legis.)	Elimination of annual poll tax. (S.L. 2011, ch. 520; S.L. 2013, ch. 516) (SCR 4006)	206,150	82,818	288,668	A
492.	General	2012 (11/6)	Const. Amend. (Legis.)	Oath of office for elected and appointed officials. (S.L. 2011, ch. 521; S.L. 2013, ch. 517) (HCR 3009)	259,497	32,926	292,423	A
493.	General	2012 (11/6)	Const. Amend. (Petit.)	Practices of farming and ranching. (S.L. 2013, ch. 509)	201,920	99,934	301,854	A
494.	General	2012 (11/6)	Initiative	Prohibiting smoking in public places and worksites. (S.L. 2013, ch. 510)	209,456	104,730	314,186	A
495.	General	2012 (11/6)	Initiative	Prevention of animal cruelty. (S.L. 2013, ch. 513)	109,395	206,546	315,941	R

SB 2135  
#1 P.5  
2-6-17



	Type of Election	Election Date	Type of Action	Subject Content (Session Laws Citation)	Votes			
					For	Against	Total	Action
496.	Primary	2014 (6/10)	Const. Amend. (Legis.)	Adjustment of deadlines for initiated measure petitions. (S.L. 2013, ch. 518) (HCR 3034)	43,868	38,051	81,919	A
497.	General	2014 (11/4)	Const. Amend. (Legis.)	Inalienable right to life of every human being at every stage of development. (S.L. 2013, ch. 519) (SCR 4009)	90,224	161,303	251,527	R
498.	General	2014 (11/4)	Const. Amend. (Legis.)	Prohibition of the imposition of mortgage taxes or any sales or transfer taxes on the mortgage or transfer of real property. (S.L. 2013, ch. 520) (HCR 3006)	188,283	60,478	248,761	A
499.	General	2014 (11/4)	Const. Amend. (Legis.)	Repealing the existing Board of Higher Education and creating a three member commission of higher education appointed by the Governor. (S.L. 2013, ch. 521) (HCR 3047)	61,007	182,492	243,499	R
500.	General	2014 (11/4)	Const. Amend. (Legis.)	Fiscal impact of measures to initiate constitutional amendments and placing of initiated measures on the ballot. (S.L. 2013, ch. 522) (HCR 3011)	104,245	135,899	240,144	R
501.	General	2014 (11/4)	Const. Amend. (Petit.)	A clean water, wildlife, and parks trust, and a clean water, wildlife, and parks fund.	51,775	199,305	251,080	R
502.	General	2014 (11/4)	Initiative	Parental rights and responsibilities.	92,807	152,004	244,811	R
503.	General	2014 (11/4)	Initiative	Operation of a pharmacy.	102,731	147,644	250,375	R
504.	General	2014 (11/4)	Initiative	School classes beginning after Labor Day.	109,489	136,963	246,452	R

\*\*Although Alternate Proposition Number 2A was approved on April 4, 1972, it was never enacted because the 1972 constitution was not adopted.

\*\*\*Statewide vote recount, first since 1974 election recount between Milton R. Young and William L. Guy for the United States Senate seat.

SB 2135  
#1 p. 6  
2-6-17



SB 2135

2-6-17

#2 p. 1

**Testimony of Andy Peterson**  
**Greater North Dakota Chamber of Commerce**  
**SB 2135**  
**Senate Appropriations**  
**Ray Holmberg - Chair**  
**February 6, 2017**

Mr. Chairman and members of the committee, my name is Andy Peterson and am here today representing the Greater ND Chamber, local chambers of commerce, and other business associations throughout North Dakota. Some members of the media describe the GNDC as the most prominent business organization in North Dakota. As a group we stand in support of SB 2135 and urge a "Do Pass" from the committee on this bill.

This bill, as nearly as I can tell, allows for an interim study that may help improve the initiated referral process in North Dakota. As I testified earlier on the house side of the legislature, nobody – including the GNDC – is suggesting the process be diminished or eliminated. As you all know the GNDC has been involved in promoting and defending against measures since our inception as an organization in 1924. It is a right of the people we vigilantly guard. We embrace the opportunity to be involved in the interim process and welcome the participation of others mentioned in bill.

I have spoken to Senator Hogue and want to thank him for his vision and leadership in this process. As well, I have discussed the issue of an appropriation with him. From my perspective, the GNDC will not accept or require any remuneration or payment of expense. We will travel wherever we need to travel in North Dakota to participate in meetings at our own expense. Further, and while I cannot speak for other organizations, I believe many, if not all of those listed in the bill, will all travel at their own expense. There may be some citizens at large who participate in the study who will need some assistance. However, I am hopeful the appropriation can be diligently and efficiently used.

Champions  Business

I appreciate your time and consideration and urge a "Do Pass" on SB 2135.

PO Box 2639 P: 701-222-0929  
Bismarck, ND 58502 F: 701-222-1611

Attachment 1  
2135  
3-3-17

1 TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2135

2 House Government and Veterans Affairs Committee

3 March 3, 2017 8:30 am

4  
5  
6 Good morning Chairman Kasper and members of the committee. My  
7 name is David Hogue. I am a North Dakota state senator representing District 38.  
8 I am before your committee to testify in support of Senate Bill 2135.

9 I support SB 2135 because I think it is important for North Dakota to take a  
10 comprehensive review of our initiated measure and referral law process. In the  
11 past four sessions that I have been a member of the Legislative Assembly, we  
12 have experienced significant issues with the process that suggest a review would  
13 be appropriate. Past Legislative Assemblies have also tinkered with the process,  
14 but there has not been a comprehensive review in many years.

15 Although not everyone has the same concerns, at least four concerns have  
16 been expressed in recent sessions. They include ballot fraud, the influence of out  
17 of state resources and money, the absence of restrictions on the number of  
18 measures that can be put on the ballot, the absence of restrictions on what may

1 be incorporated into the constitution, the absence of restrictions on the amount  
2 of content within a measure, and .

3 That spending may be incorporated into the constitution is the loophole  
4 that keeps me engaged on this subject. We saw one such proposal that would  
5 have mandated spending and placed that mandate in the constitution. The  
6 consequence of that placement is that the legislature would not be able to adjust  
7 spending based on changing circumstances.

8 The fundamental tenets of our initiated measure and referral process are  
9 contained in our constitution. The administrative provisions are contained in  
10 statute. As an elected official, I recognize the Latin maxim "Vox Populi Vox Dei"--  
11 The voice of the people is the voice of God. We as legislators must be deferential  
12 to the voice of the people. But that should not cause us to review the process in  
13 search improvement.

14 Given our duty to be deferential, how do we address these issues that I  
15 have mentioned.? I think an interim study with stakeholders on the proposed  
16 committee is the best way to develop consensus and achieve a proposal that will  
17 be accepted by the people at the ballot box. Of course, any proposal that the



1 committee makes must be approved by the 66<sup>th</sup> Legislative Assembly and must be  
2 approved by the voters of North Dakota.

3 In the original bill, I selected interest groups who in the past have engaged  
4 in the initiated measure and referral process. I solicited input from these groups  
5 and every group enthusiastically agreed to serve on the proposed committee.

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7 forward and offered to participate on the study committee. These new  
8 volunteers include labor, and a representative from one of our Native American  
9 tribes. In addition, the GVA Committee felt that there should be more  
10 representation from ordinary folks. Thus, the bill was amended to allow the  
11 governor to appoint three members instead of one.

12 I fully support SB 2135 in its amended form. We need a study that is  
13 comprehensive and one that is inclusive. SB 2135 is inclusive and will hopefully  
14 lead to a comprehensive study that will make recommendations to the 66<sup>th</sup>  
15 Legislative Assembly.

16 Chairman Kasper, that concludes my testimony and I would be happy to try  
17 to answer questions.

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498.	General	2014 (11/4)	Const. Amend. (Legis.)	Prohibition of the imposition of mortgage taxes or any sales or transfer taxes on the mortgage or transfer of real property. (S.L. 2013, ch. 520) (HCR 3006)	188,283	60,478	248,761	A
499.	General	2014 (11/4)	Const. Amend. (Legis.)	Repealing the existing Board of Higher Education and creating a three member commission of higher education appointed by the Governor. (S.L. 2013, ch. 521) (HCR 3047)	61,007	182,492	243,499	R
500.	General	2014 (11/4)	Const. Amend. (Legis.)	Fiscal impact of measures to initiate constitutional amendments and placing of initiated measures on the ballot. (S.L. 2013, ch. 522) (HCR 3011)	104,245	135,899	240,144	R
501.	General	2014 (11/4)	Const. Amend. (Petit.)	A clean water, wildlife, and parks trust, and a clean water, wildlife, and parks fund.	51,775	199,305	251,080	R
502.	General	2014 (11/4)	Initiative	Parental rights and responsibilities.	92,807	152,004	244,811	R
503.	General	2014 (11/4)	Initiative	Operation of a pharmacy.	102,731	147,644	250,375	R
504.	General	2014 (11/4)	Initiative	School classes beginning after Labor Day.	109,489	136,963	246,452	R

\*\*Although Alternate Proposition Number 2A was approved on April 4, 1972, it was never enacted because the 1972 constitution was not adopted.

\*\*\*Statewide vote recount, first since 1974 election recount between Milton R. Young and William L. Guy for the United States Senate seat.



#### Initiated Statutory Measure No. 4

This initiated measure would provide for a new veterans' tobacco tax trust fund in North Dakota Century Code Chapter 37-14 to fund certain veterans' programs. This fund, among others, would be supported by an increase in the excise tax on cigarettes from \$0.44 to \$2.20 per package of twenty cigarettes, as well as an increase in the excise tax on cigars from 28% to 56% of the wholesale purchase price at which the product is purchased by distributors. The excise tax on all other tobacco products is increased a commensurate amount. The measure also would create an inventory tax on cigarettes and tobacco products. All revenues received by the tax commissioner under this measure would be allocated among the State's general fund, the veterans' tobacco trust fund, and the community health trust fund. The measure would create and amend provisions in Chapter 57-36, including new definitions for inhalation devices, liquid nicotine, and tobacco products; prohibiting retailers from being distributors and requiring distributors to keep additional records; setting requirements for registration of liquid nicotine retailers; and regulating the alteration of liquid nicotine. Finally, the measure would repeal two provisions of current law related to an excise tax on cigarettes and the exemption for taxes on cigarettes and tobacco products given to occupants of the State's veterans' home and the state hospital.

- ☐ **YES** – means you approve the measure summarized above.
- ☐ **NO** – means you reject the measure summarized above.

#### Initiated Statutory Measure No. 5

This initiated measure would add a new chapter to Title 19 of the North Dakota Century Code creating an Act which provides for the medical use of marijuana for defined medical conditions, such as cancer, AIDS, hepatitis C, ALS, glaucoma, and epilepsy. To participate in the program, the Act would provide for identification cards and certificates of registration which would be issued by the Department of Health for patients, caregivers, and qualified facilities, if all requirements are met. The Act would create provisions for monitoring, inventorying, dispensing, cultivating and growing marijuana to be regulated and enforced by the Department of Health. A qualified patient could be dispensed up to three ounces of usable marijuana, and could grow marijuana if his or her home is located more than forty miles from the nearest registered facility. For violations, the Act would authorize the Department of Health to provide for corrective action, suspension, revocation, appeal, hearings, and referral for criminal prosecution. The Act would require the Department of Health to submit an annual report to the legislature regarding program statistics.

- ☐ **YES** – means you approve the measure summarized above.
- ☐ **NO** – means you reject the measure summarized above.

**Testimony of Andy Peterson  
Greater North Dakota Chamber of Commerce  
SB 2135  
House Government & Veterans Affairs  
Honorable Jim Kasper - Chair  
March 3, 2017**

Mr. Chairman and members of the committee, my name is Andy Peterson and am here today representing the Greater ND Chamber, local chambers of commerce, and other business associations throughout North Dakota. Some members of the media describe the GNDC as the most prominent business organization in North Dakota. As a group we stand in support of SB 2135 and urge a "Do Pass" from the committee on this bill.

This bill, as nearly as I can tell, allows for an interim study that may help improve the initiated referral process in North Dakota. As I testified previously, nobody – including the GNDC – is suggesting the process be diminished or eliminated. As you all know the GNDC has been involved in promoting and defending against measures since our inception as an organization in 1924. It is a right of the people we vigilantly guard. We embrace the opportunity to be involved in the interim process and welcome the participation of others mentioned in bill.

I have spoken to Senator Hogue and want to thank him for his vision and leadership in this process. As well, I have discussed the issue of an appropriation with him. From my perspective, the GNDC will not accept or require any remuneration or payment of expense. We will travel wherever we need to travel in North Dakota to participate in meetings at our own expense. Further, and while I cannot speak for other organizations, I believe many, if not all of those listed in the bill, will all travel at their own expense. There may be some citizens at large who participate in the study who will need some assistance. However, I am hopeful any small appropriation can be diligently and efficiently used.

While you'll hear from a few in this hearing that the intent of SB 2135 is to limit the ability of the people to participate in direct democracy, our intent is to be sure the citizens better understand potential measures, understand their intended and unintended consequences, and are further empowered to participate as a result.

Again, the GNDC has a great deal of experience in this arena. We are neither motivated to increase barriers to participation nor to tear those same barriers down as those barriers are something we must, as an organization, struggle with when promoting or defending against measures.

I appreciate your time and consideration and urge a "Do Pass" on SB 2135.





Great Public Schools

Great Public Service

***Testimony before the House Government and Veterans Affairs Committee  
SB 2135  
March 3, 2017***

Chairman Kasper, members of the Committee:

For the record, my name is Nick Archuleta and I am the president of North Dakota United. I rise today in support of SB 2135.

North Dakota United is uniquely qualified to serve on the Initiated and Referred Study Commission which is charged with studying the processes surrounding the utilization of the initiated and referral measures available to the citizenry of North Dakota. We have, for good or ill, been drawn into these processes several times in our past. Our history with the process includes successes and failures. We worked on the tax referrals in the late 1980's, fought the effort to greatly reduce the personal and corporate income taxes in 2008 and the effort to eliminate property taxes in 2012, and just last fall, ND United took the lead in passing Constitutional Measure 2, which has been extremely helpful in allowing the legislature to keep its promise to fully fund K-12 education. In many of these endeavors, ND United has worked with the Greater ND Chamber, the ND Farmers Union and many other groups with similar interests in either advocating for or defeating specific measures.

Like most North Dakotans, NDU's 11,500 members strongly support the Initiated and Referral process. North Dakotans feel that these processes give them a voice on the rare occasion that the actions of the legislative majority run counter to the will of the voters that put them in office.

We know that this process is not perfect but it is as popular in North Dakota as our members. We believe that our experiences with the process can go a very long way in making it better and we welcome the inclusion of ND United on the Initiated and Referred Study Commission.

With that, Chairman Kasper, I conclude my testimony and urge a DO PASS recommendation on SB 2135, with the inclusion of a member from North Dakota United.

I will stand for questions.

## TESTIMONY IN OPPOSITION TO SB 2135

Good morning members of the committee. I am Ralph Muecke from Gladstone ND and I am here to testify in opposition to Senate Bill 2135.

Mark Twain was once quoted as saying: "When the legislature is in session, no mans life, liberty, or property is safe. I wonder if he fully realized what he was saying?"

Senate Bill 2135 is a witch hunt, a solution in search of a problem that doesn't exist.

The Initiative and Referral (I & R) process is near and dear to me because it is the only means available to me to hold the people that I elect to represent me in state government accountable when they disregard my wishes. It is a fundamental right guaranteed to us by the framers our states constitution. As more and more states joined the Union, people got smarter and realized they needed another means to hold those that they elect accountable when they turn a deaf ear to their electorate.

Some people say that if an elected official does something they don't like they can vote them out in the next election. That's a cop out that makes no sense because the damage is already done.

North Dakota is one of only 23 states that has the I&R process. Sadly to say the process is under attack in all 23 states.....by those that the people elect to represent them. We elect you people to represent our interests in state government but when you get down here you legislate our rights away. In my book this is treason. SB 2135 is an attack on the I&R process. Make no mistake about it. Our wonderful "citizen?" legislature.

Yes, our wonderful "citizen?" legislature tried to circumvent the I&R process back in 1986. In a three day organizational legislative session the house majority leader proposed and passed and sent to the governor an increase in sales tax in North Dakota. No Public hearing, no grass roots input, just a total inside job. The state was more important than the people. As a result that bill was referred in less than 25 days, voted on in the next state wide election and lost. The legislator was WRONG, WRONG, WRONG!

Also in another attempt to curb the I&R process, a prominent North Dakota State Senator proposed that in order to comply with the law it should be changed to require that referrals get 2% of the signatures from each county. What in the world happened to the democratic process of "one man, one vote"? The request died of its own folly when citizens started calling in and asking what was going on? Again, the legislator was WRONG, WRONG, WRONG!

You want us to forget that we the people are the government and that you are elected by us to represent us and our wishes. But it has come to the point where you think it is the other way around. As a result a ruling monarchy has rapidly emerged. This is why the



Revolutionary war was fought. Instead of government for the people, by the people it's rapidly becoming government at the people against the people. That's the purpose of SB2135.

The framers of our constitution were very intelligent people. They crafted a form of government without the flaws of the mother government. As more states joined the union, people became wiser and saw that they needed another recourse, another option to maintain accountability of those that they elect to represent them in public office. Such as the right of I&R.

And to add insult to injury, you are helping yourselves to \$50,000 of taxpayer money which you claim we don't have. I understand that this is also unconstitutional. Didn't you take an oath to uphold the constitution?

Anyone who says getting signatures of 2 or 4 percent of the states population to place an initiated measure on the ballot is too easy, has never circulated a petition. I can tell you that it is not easy to do. I have helped circulate many petitions and I can tell you it takes a lot of time and physical endurance. It's something you do only because you feel the issue is important enough to sacrifice your time, energy and money for.

This sponsoring committee is made up of the "usual suspects" none of whom has really done the process or knows what it takes to complete the requirements of the law. I've been there. I have been chairman of a couple of initiated measures.

In this last election we voted on 5 initiated measures. I voted "YES" on measure one, and "NO" on the rest of the measures. I didn't help circulate any of them. I didn't like "Marsy's law. I felt it was unnecessary. I didn't like the medical marijuana measure either. But because I didn't like those measures doesn't mean that I want to cripple or destroy the I&R process. That is what SB 2135 is all about.

Every legislative session, there are always at least a couple of bills or resolutions introduced, that little by little if passed would cripple the I&R process to the point where it is no longer usable, which is the sole purpose of all of these I&R bills and resolutions, including SB 2135. Keep your "HANDS OFF" of the rights of the citizens of ND.

Besides, any initiated measure passed by the voters can also be voted down by a Two thirds majority vote of both houses of the legislature. So what's the big deal? Is it because you are unable to control the voting of your fellow colleagues? As I said before this bill is a solution in search of a problem.

Please vote "NO" SB 2135. Ralph Muecke.

2.1



HB 2135 – Testimony by Dustin Gawrylow (Lobbyist #215) North Dakota Watchdog Network

We oppose the concept of creating a commission to meddle with the initiated measure process.

Article III Section 1 of the state constitution explicitly states

While the legislative power of this state shall be vested in a legislative assembly consisting of a senate and a house of representatives, the people reserve the power to propose and enact laws by the initiative, including the call for a constitutional convention; to approve or reject legislative Acts, or parts thereof, by the referendum; to propose and adopt constitutional amendments by the initiative; and to recall certain elected officials. This article is self-executing and all of its provisions are mandatory. **Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers.**

I do not believe that with the proposed makeup of the commission, the last line can truly be followed.

However, there seems to be an eagerness to pursue this approach, so I would urge you to reconsider the membership of this study committee.

As written, SB 2135 puts too much power into the hands of special interest groups.

Out of 13 members of the study commission, 5 represent specifically named representatives of organizations with only 3 seats assigned to members of the general public, with the remaining assigned by the legislative, judicial, and tribal leadership.

Below are three suggestions on how to improve the membership of the study committee

**Option #1** - Eliminate all references to private organizations & retain legislative, judicial, and tribal appointees

- Allow each member of the legislative assembly to nominate any non-legislator North Dakota citizen for consideration.
- Any citizen who is nominated by 6 or more legislators is automatically granted a seat on the study commission.
- Legislative management shall select at least 3 and no more than 7 from remaining nominees to fill out the remaining seats to equal an odd number for membership

**Option #2** - increase membership from 13 to 19:

- Increase the number of private citizens to 9 to create equal footing for private citizens.
- Require that private citizens have no affiliation with the other named organizations.
- Require that the citizens have prior involvement with the initiated measure process as a sponsoring committee member or chairman.

**Option #3** - reduce membership from 13 to 9:

- Pool the representatives from the Chamber, Newspapers Association, Farm Bureau, Farmers Union, and ND United and grant the pool one representative.
- Leave citizen number at 3, and also
  - Require that private citizens have no affiliation with the other named organizations.
  - Require that the citizens have prior involvement with the initiated measure process as a sponsoring committee member or chairman.

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2135

Introduced by

Senators Hogue, Klein, Wardner

Representatives Carlson, K. Koppelman, Vigesaa

- 1 A BILL for an Act to provide for the creation of an initiated and referred measure study  
2 commission; to provide for a report to the legislative management; ~~to provide an appropriation;~~  
3 and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. INITIATED AND REFERRED MEASURE STUDY COMMISSION - DUTIES -**  
6 **MEMBERSHIP - REPORT TO LEGISLATIVE MANAGEMENT.**

- 7 1. During the 2017-18 interim, an initiated and referred measure study commission shall  
8 undertake a comprehensive study of the initiated and referred measure laws of North  
9 Dakota. The commission shall study, among other subjects:
- 10 a. The process and cost of placing initiated and referred measures on the ballot and  
11 campaigning in support of or opposition to ballot measures in North Dakota;  
12 b. The processes used to place initiated and referred measures on the ballot in  
13 other states; and  
14 c. Whether any provision of the state constitution or state law relating to initiated or  
15 referred measures should be amended. If an amendment is warranted, the  
16 commission shall prepare a draft resolution to amend the constitution or a draft  
17 bill to amend the state law for consideration by the next legislative assembly.
- 18 2. The commission shall hold at least four meetings and report its findings and any  
19 recommendations, together with any legislation required to implement the  
20 recommendations, to the legislative management before September 1, 2018.
- 21 3. The commission must consist of:
- 22 a. One individual appointed by the chief justice of the supreme court, who shall  
23 serve as the commission chairman;



- b. ~~Three members of the legislative assembly, at least one of whom is a member of the minority party, appointed by the legislative management~~ Two members of the house of representatives appointed by the majority leader of the house of representatives;
- c. ~~One member of a tribal nation appointed by the executive director of the Indian affairs commission~~ Two members of the senate appointed by the majority leader of the senate;
- d. ~~Three citizen members appointed by the governor~~ A representative of the governor's office appointed by the governor;
- e. ~~One individual appointed by the greater North Dakota chamber;~~ The secretary of state or the secretary's designee; and
- f. ~~One individual appointed by the North Dakota newspaper association;~~
- ~~g. One individual appointed by the North Dakota farm bureau;~~
- ~~h. One individual appointed by the North Dakota farmers union; and~~
- ~~i. One individual appointed by North Dakota United~~ Five citizen members selected as follows:
- (a) Each member of the legislative assembly may nominate up to five residents of the state to the chairman of the legislative management.
- (b) The chairman of the legislative management shall appoint the four individuals who receive the highest number of nominations to serve on the commission.
- (c) Nominees who have been members of sponsoring committees for initiated or referred measure petitions must be identified. The chairman of the legislative management shall appoint the member of a sponsoring committee who receives the highest number of nominations to serve on the commission. If that individual is a member appointed under paragraph b, the chairman of the legislative management shall appoint the nominee with the fifth highest number of nominations under paragraph b to serve on the commission, regardless of whether that nominee has been a member of a sponsoring committee for an initiated measure.



1        4. The chairman of the legislative management committee may fill any vacancy on the  
2        commission.

3        5. The commission may request appropriate staff services from the legislative council.

4        6. Commission members are entitled to mileage and expenses as provided by law for  
5        state officers and employees. Commission members who are members of the  
6        legislative assembly also are entitled to compensation for attendance at commission  
7        meetings at the rate provided for members of the legislative assembly for attendance  
8        at interim committee meetings.

9        ~~SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general~~  
10       ~~fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the~~  
11       ~~sum as may be necessary, to the legislative council for the purpose of reimbursing commission~~  
12       ~~members and staff for travel necessary to carry out commission duties as provided in section 4~~  
13       ~~of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.~~

14       **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 2, remove "to provide an appropriation;"

Page 2, line 1, remove "Three members of the legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "Two members of the house of representatives appointed by the majority leader of the house of representatives"

Page 2, line 3, remove "One member of a tribal nation appointed by the executive director of the Indian"

Page 2, line 4, replace "affairs commission" with "Two members of the senate appointed by the majority leader of the senate"

Page 2, line 5, replace "Three citizen members appointed by the governor" with "A representative of the governor's office appointed by the governor"

Page 2, line 6, replace "One individual appointed by the greater North Dakota chamber;" with "The secretary of state or the secretary's designee; and"

Page 2, line 7, remove "One individual appointed by the North Dakota newspaper association;

Page 2, replace lines 8 through 10 with "Five citizen members selected as follows:

- (a) Each member of the legislative assembly may nominate up to five residents of the state to the chairman of the legislative management.
- (b) The chairman of the legislative management shall appoint the four individuals who receive the highest number of nominations to serve on the commission.
- (c) Nominees who have been members of sponsoring committees for initiated or referred measure petitions must be identified. The chairman of the legislative management shall appoint the member of a sponsoring committee who receives the highest number of nominations to serve on the commission. If that individual is a member appointed under paragraph b, the chairman of the legislative management shall appoint the nominee with the fifth highest number of nominations under paragraph b to serve on the commission, regardless of whether that nominee has been a member of a sponsoring committee for an initiated measure"

Page 2, remove lines 19 through 23

Renumber accordingly

Sixty-fifth  
Legislative Assembly  
of North Dakota

Attachment 1  
2135  
3-17-17

Introduced by

Senators Hogue, Klein, Wardner

Representatives Carlson, K. Koppelman, Vigesaa

- 1 A BILL for an Act to provide for the creation of an initiated and referred measure study  
2 commission; to provide for a report to the legislative management; to provide an appropriation;  
3 and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. INITIATED AND REFERRED MEASURE STUDY COMMISSION - DUTIES -**  
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8 undertake a comprehensive study of the initiated and referred measure laws of North  
9 Dakota. The commission shall study, among other subjects:
- 10 a. The process and cost of placing initiated and referred measures on the ballot and  
11 campaigning in support of or opposition to ballot measures in North Dakota;  
12 b. The processes used to place initiated and referred measures on the ballot in  
13 other states; and  
14 c. Whether any provision of the state constitution or state law relating to initiated or  
15 referred measures should be amended. If an amendment is warranted, the  
16 commission shall prepare a draft resolution to amend the constitution or a draft  
17 bill to amend the state law for consideration by the next legislative assembly.
- 18 2. The commission shall hold at least four meetings and report its findings and any  
19 recommendations, together with any legislation required to implement the  
20 recommendations, to the legislative management before September 1, 2018.
- 21 3. The commission must consist of:
- 22 a. One individual appointed by the chief justice of the supreme court, who shall  
23 serve as the commission chairman;



b. ~~Three members of the legislative assembly, at least one of whom is a member of the minority party, appointed by the legislative management~~house of representatives, two of whom must be appointed by the majority leader of the house of representatives and one appointed by the minority leader of the house of representatives;

c. ~~One member of a tribal nation appointed by the executive director of the Indian affairs commission~~Three members of the senate, two of whom must be appointed by the majority leader of the senate and one appointed by the minority leader of the senate;

d. ~~Three~~Seven citizen members appointed by the governor, two of whom must be past or current members of a sponsoring committee for an initiated or referred measure. The governor shall establish a process to provide public notice of available citizen positions on the commission and a procedure for submission of applications; and

e. Four ex officio nonvoting members consisting of:

(1) One individual appointed by the greater North Dakota chamber;

~~f.~~ (2) One individual appointed by the North Dakota newspaper association;

~~g.~~ (3) One individual appointed by the North Dakota farm bureau; and

~~h.~~ (4) One individual appointed by the North Dakota farmers union; and

~~i. One individual appointed by North Dakota United.~~

4. A citizen member appointed to the commission by the governor may not be an elected or appointed official or an employee of the governor's office.

5. ~~The chairman of the legislative management committee appointing authority~~ may fill any vacancy on the commission.

~~5.6.~~ The commission may request appropriate staff services from the legislative council.

~~6.7.~~ Commission members are entitled to mileage and expenses as provided by law for state officers and employees. Commission members who are members of the legislative assembly also are entitled to compensation for attendance at commission meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings.

1       **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general  
2 fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the  
3 sum as may be necessary, to the legislative council for the purpose of reimbursing commission  
4 members and staff for travel necessary to carry out commission duties as provided in section 1  
5 of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.

6       **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Sixty-fifth  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2135**

Introduced by

Senators Hogue, Klein, Wardner

Representatives Carlson, K. Koppelman, Vigesaa

- 1 A BILL for an Act to provide for the creation of an initiated and referred measure study  
2 commission; to provide for a report to the legislative management; to provide an appropriation;  
3 and to declare an emergency.

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13 other states; and  
14 c. Whether any provision of the state constitution or state law relating to initiated or  
15 referred measures should be amended. If an amendment is warranted, the  
16 commission shall prepare a draft resolution to amend the constitution or a draft  
17 bill to amend the state law for consideration by the next legislative assembly.
- 18 2. The commission shall hold at least four meetings and report its findings and any  
19 recommendations, together with any legislation required to implement the  
20 recommendations, to the legislative management before September 1, 2018.
- 21 3. The commission must consist of:
- 22 a. One individual appointed by the chief justice of the supreme court, who shall  
23 serve as the commission chairman;



- 1           b. ~~Three members of the legislative assembly, at least one of whom is a member of~~  
2           ~~the minority party, appointed by the legislative management~~house of  
3           representatives, two of whom must be appointed by the majority leader of the  
4           house of representatives and one appointed by the minority leader of the house  
5           of representatives;
- 6           c. ~~One member of a tribal nation appointed by the executive director of the Indian~~  
7           ~~affairs commission~~Three members of the senate, two of whom must be appointed  
8           by the majority leader of the senate and one member appointed by the minority  
9           leader of the senate;
- 10          d. ~~Three~~Seven citizen members appointed by the governor, two of whom must be  
11          past or current members of a sponsoring committee for an initiated or referred  
12          measure. The governor shall establish a process to provide public notice of  
13          available citizen positions on the commission and a procedure for submission of  
14          applications; and
- 15          e. Four ex officio nonvoting members consisting of:
- 16             (1) One individual appointed by the greater North Dakota chamber;  
17             ~~f.~~ (2) One individual appointed by the North Dakota newspaper association;  
18             ~~g.~~ (3) One individual appointed by the North Dakota farm bureau; and  
19             ~~h.~~ (4) One individual appointed by the North Dakota farmers union; and  
20             ~~i. One individual appointed by North Dakota United.~~
- 21          4. A citizen member appointed to the commission by the governor may not be an elected  
22          or appointed official or an employee of the governor's office.
- 23          5. After the closing of the application period for citizen members under subdivision d of  
24          subsection 3 has concluded, there must be allotted forty-five days for public review  
25          and comment on the applications.
- 26          6. The chairman of the legislative management committee may fill any vacancy on the  
27          commission.
- 28          ~~5-7.~~ The commission may request appropriate staff services from the legislative council.
- 29          ~~6-8.~~ Commission members are entitled to mileage and expenses as provided by law for  
30          state officers and employees. Commission members who are members of the  
31          legislative assembly also are entitled to compensation for attendance at commission

1 meetings at the rate provided for members of the legislative assembly for attendance  
2 at interim committee meetings.

3 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general  
4 fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the  
5 sum as may be necessary, to the legislative council for the purpose of reimbursing commission  
6 members and staff for travel necessary to carry out commission duties as provided in section 1  
7 of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.

8 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 2, remove "to provide an appropriation;"

Page 2, line 1, after "b." insert "One individual appointed by the secretary of state;  
c."

Page 2, line 1, remove "legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with  
"house of representatives, two of whom must be appointed by the majority leader of the  
house of representatives and one appointed by the minority leader of the house of  
representatives"

Page 2, line 3, replace "c." with "d."

Page 2, line 3, remove "One member of a tribal nation appointed by the executive director of  
the Indian"

Page 2, line 4, replace "affairs commission" with "Three members of the senate, two of whom  
must be appointed by the majority leader of the senate and one member appointed by  
the minority leader of the senate"

Page 2, line 5, replace "d." with "e."

Page 2, line 5, replace "Three" with "Seven"

Page 2, line 5, after "governor" insert ", two of whom must be past or current members of a  
sponsoring committee for an initiated or referred measure. The governor shall provide  
public notice of available citizen positions on the commission and establish a  
procedure for submission of applications"

Page 2, line 5, after the semicolon insert "and"

Page 2, line 6, replace "e." with "f. Four ex officio nonvoting members consisting of:

(1)"

Page 2, line 7, replace "f." with "(2)"

Page 2, line 8, replace "g." with "(3)"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, replace "h." with "(4)"

Page 2, line 9, remove "; and"

Page 2, line 10, remove "i. One individual appointed by North Dakota United"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the  
governor may not be an elected or appointed official or an employee of the governor's  
office."



5. After the closing of the application period for citizen members under subdivision e of subsection 3 has concluded, there must be allotted forty-five days for public review and comment on the applications before the governor appoints the citizen members.

6."

Page 2, line 11, replace "chairman of the legislative management committee" with "appointing authority"

Page 2, line 13, replace "5." with "7."

Page 2, line 14, replace "6." with "8."

Page 2, remove lines 19 through 23

Renumber accordingly

17.0399.07005

FIRST ENGROSSMENT

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2135

Introduced by

Senators Hogue, Klein, Wardner

Representatives Carlson, K. Koppelman, Vigesaa

- 1 A BILL for an Act to provide for the creation of an initiated and referred measure study  
2 commission; to provide for a report to the legislative management; ~~to provide an appropriation;~~  
3 and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 SECTION 1. INITIATED AND REFERRED MEASURE STUDY COMMISSION - DUTIES -  
6 MEMBERSHIP - REPORT TO LEGISLATIVE MANAGEMENT.

- 7 1. During the 2017-18 interim, an initiated and referred measure study commission shall  
8 undertake a comprehensive study of the initiated and referred measure laws of North  
9 Dakota. The commission shall study, among other subjects:
- 10 a. The process and cost of placing initiated and referred measures on the ballot and  
11 campaigning in support of or opposition to ballot measures in North Dakota;  
12 b. The processes used to place initiated and referred measures on the ballot in  
13 other states; and  
14 c. Whether any provision of the state constitution or state law relating to initiated or  
15 referred measures should be amended. If an amendment is warranted, the  
16 commission shall prepare a draft resolution to amend the constitution or a draft  
17 bill to amend the state law for consideration by the next legislative assembly.
- 18 2. The commission shall hold at least four meetings and report its findings and any  
19 recommendations, together with any legislation required to implement the  
20 recommendations, to the legislative management before September 1, 2018.
- 21 3. The commission must consist of:
- 22 a. One individual appointed by the chief justice of the supreme court, who shall  
23 serve as the commission chairman;  
24 b. One individual appointed by the secretary of state;

- 1 c. ~~Three members of the legislative assembly, at least one of whom is a member of~~  
2 ~~the minority party, appointed by the legislative management~~house of  
3 representatives, two of whom must be appointed by the majority leader of the  
4 house of representatives and one appointed by the minority leader of the house  
5 of representatives;
- 6 ~~e.d.~~ ~~One member of a tribal nation appointed by the executive director of the Indian~~  
7 ~~affairs commission~~Three members of the senate, two of whom must be appointed  
8 by the majority leader of the senate and one member appointed by the minority  
9 leader of the senate;
- 10 ~~d.e.~~ ~~Three~~Seven citizen members appointed by the governor, two of whom must be  
11 past or current members of a sponsoring committee for an initiated or referred  
12 measure. The governor shall provide public notice of available citizen positions  
13 on the commission and establish a procedure for submission of applications; and
- 14 ~~e.f.~~ Four ex officio nonvoting members consisting of:
- 15 (1) One individual appointed by the greater North Dakota chamber;
- 16 ~~f.~~ (2) One individual appointed by the North Dakota newspaper association;
- 17 ~~g.~~ (3) One individual appointed by the North Dakota farm bureau; and
- 18 ~~h.~~ (4) One individual appointed by the North Dakota farmers union; and
- 19 ~~i.~~ ~~One individual appointed by North Dakota United.~~
- 20 4. A citizen member appointed to the commission by the governor may not be an elected  
21 or appointed official or an employee of the governor's office.
- 22 5. After the closing of the application period for citizen members under subdivision e of  
23 subsection 3 has concluded, there must be allotted forty-five days for public review  
24 and comment on the applications before the governor appoints the citizen members.
- 25 6. ~~The chairman of the legislative management committee~~appointing authority may fill  
26 any vacancy on the commission.
- 27 ~~5.7.~~ The commission may request appropriate staff services from the legislative council.
- 28 ~~6.8.~~ Commission members are entitled to mileage and expenses as provided by law for  
29 state officers and employees. Commission members who are members of the  
30 legislative assembly also are entitled to compensation for attendance at commission



1 meetings at the rate provided for members of the legislative assembly for attendance  
2 at interim committee meetings.

3 ~~—SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general~~  
4 ~~fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the~~  
5 ~~sum as may be necessary, to the legislative council for the purpose of reimbursing commission~~  
6 ~~members and staff for travel necessary to carry out commission duties as provided in section 1~~  
7 ~~of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.~~

8 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 2, remove "to provide an appropriation;"

Page 2, line 1, after "b." insert "One individual appointed by the secretary of state;  
c."

Page 2, line 1, remove "legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with  
"house of representatives, two of whom must be appointed by the majority leader of the  
house of representatives and one appointed by the minority leader of the house of  
representatives"

Page 2, line 3, replace "c." with "d."

Page 2, line 3, remove "One member of a tribal nation appointed by the executive director of  
the Indian"

Page 2, line 4, replace "affairs commission" with "Three members of the senate, two of whom  
must be appointed by the majority leader of the senate and one member appointed by  
the minority leader of the senate"

Page 2, line 5, replace "d." with "e."

Page 2, line 5, replace "Three" with "Seven"

Page 2, line 5, after "governor" insert ", two of whom must be past or current members of a  
sponsoring committee for an initiated or referred measure. The governor shall provide  
public notice of available citizen positions on the commission and establish a procedure  
for submission of applications"

Page 2, line 5, after the semicolon insert "and"

Page 2, line 6, replace "e." with "f. Four ex officio nonvoting members consisting of:

(1)"

Page 2, line 7, replace "f." with "(2)"

Page 2, line 8, replace "g." with "(3)"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, replace "h." with "(4)"

Page 2, line 9, remove "; and"

Page 2, line 10, remove "i. One individual appointed by North Dakota United"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor  
may not be an elected or appointed official, a member of an organization listed in  
subdivision f of subsection 3, or an employee of the governor's office."

5. After the closing of the application period for citizen members under subdivision e of subsection 3 has concluded, there must be allotted forty-five days for public review and comment on the applications before the governor appoints the citizen members.

6."

Page 2, line 11, replace "chairman of the legislative management committee" with "appointing authority"

Page 2, line 13, replace "5." with "7."

Page 2, line 14, replace "6." with "8."

Page 2, remove lines 19 through 23

Renumber accordingly



17.0399.07007  
Title.

Attachment 4  
2135  
Prepared by the Legislative Council staff for Representative B. Koppelman  
March 23, 2017

3-23-17

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and"

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Renumber accordingly

April 6, 2017

SB 2135 4-11-17 #1  
pg 1

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1139-1141 of the House Journal and that Engrossed Senate Bill No. 2135 be amended as follows:

Page 1, line 2, after "appropriation" insert "; to provide an expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, remove "Three members of the legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "Two members of the house of representatives appointed by the majority leader of the house of representatives, and two members of the senate, one of whom must be a member of the minority party, appointed by the majority leader of the senate"

Page 2, line 3, remove "member of a tribal nation appointed by the executive director of the Indian"

Page 2, line 4, replace "affairs commission" with "individual appointed by the secretary of state"

Page 2, line 5, replace "Three" with "Five"

Page 2, line 5, after "governor" insert ", who shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, remove "and"

Page 2, line 10, remove:

- "i. One individual appointed by North Dakota united"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a board member of an organization identified in subdivisions e through h of subsection 3, or an employee of the governor's office.

5."

Page 2, line 12, after the period insert "A vacancy must be filled by an individual who satisfies the criterion for the vacant position, such that the requirements in subsection 3 are met throughout the existence of the commission."

Page 2, line 13, replace "5." with "6."

Page 2, line 14, replace "6." with "7."

SB

2135 4-11-17

#1

Pg 2

Page 2, after line 23, insert:

"**SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2019,  
and after that date is ineffective."

Renumber accordingly



Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2135

SB 2135  
4-11-17  
#1  
Pg 3

Introduced by

Senators Hogue, Klein, Wardner

Representatives Carlson, K. Koppelman, Vigesaa

- 1 A BILL for an Act to provide for the creation of an initiated and referred measure study  
2 commission; to provide for a report to the legislative management; to provide an appropriation;  
3 to provide an expiration date; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. INITIATED AND REFERRED MEASURE STUDY COMMISSION - DUTIES -**  
6 **MEMBERSHIP - REPORT TO LEGISLATIVE MANAGEMENT.**

- 7 1. During the 2017-18 interim, an initiated and referred measure study commission shall  
8 undertake a comprehensive study of the initiated and referred measure laws of North  
9 Dakota. The commission shall study, among other subjects:
- 10 a. The process and cost of placing initiated and referred measures on the ballot and  
11 campaigning in support of or opposition to ballot measures in North Dakota;  
12 b. The processes used to place initiated and referred measures on the ballot in  
13 other states; ~~and~~  
14 c. Whether any provision of the state constitution or state law relating to initiated or  
15 referred measures should be amended. If an amendment is warranted, the  
16 commission shall prepare a draft resolution to amend the constitution or a draft  
17 bill to amend the state law for consideration by the next legislative assembly; and  
18 d. The effect of out-of-state funding on the initiated and referred measure process  
19 and whether limits on out-of-state funding are necessary.
- 20 2. The commission shall hold at least four meetings and report its findings and any  
21 recommendations, together with any legislation required to implement the  
22 recommendations, to the legislative management before September 1, 2018.  
23 3. The commission must consist of:

- 1 a. One individual appointed by the chief justice of the supreme court, who shall
- 2 serve as the commission chairman;
- 3 b. ~~Three members of the legislative assembly, at least one of whom is a member of~~
- 4 ~~the minority party, appointed by the legislative management~~Two members of the
- 5 house of representatives appointed by the majority leader of the house of
- 6 representatives, and two members of the senate, one of whom must be a
- 7 member of the minority party, appointed by the majority leader of the senate;
- 8 c. ~~One member of a tribal nation appointed by the executive director of the Indian~~
- 9 ~~affairs commission~~individual appointed by the secretary of state;
- 10 d. ~~Three~~Five citizen members appointed by the governor, who shall provide public
- 11 notice of available citizen positions on the commission and establish a procedure
- 12 for submission of applications;
- 13 e. One individual appointed by the greater North Dakota chamber;
- 14 f. One individual appointed by the North Dakota newspaper association;
- 15 g. One individual appointed by the North Dakota farm bureau; and
- 16 h. One individual appointed by the North Dakota farmers union; ~~and~~
- 17 ~~i. —One individual appointed by North Dakota United.~~
- 18 4. A citizen member appointed to the commission by the governor may not be an elected
- 19 or appointed official, a board member of an organization identified in subdivisions e
- 20 through h of subsection 3, or an employee of the governor's office.
- 21 5. The chairman of the legislative management committee may fill any vacancy on the
- 22 commission. A vacancy must be filled by an individual who satisfies the criterion for the
- 23 vacant position, such that the requirements in subsection 3 are met throughout the
- 24 existence of the commission.
- 25 ~~5-6.~~ The commission may request appropriate staff services from the legislative council.
- 26 ~~6-7.~~ Commission members are entitled to mileage and expenses as provided by law for
- 27 state officers and employees. Commission members who are members of the
- 28 legislative assembly also are entitled to compensation for attendance at commission
- 29 meetings at the rate provided for members of the legislative assembly for attendance
- 30 at interim committee meetings.

1       **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general  
2 fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the  
3 sum as may be necessary, to the legislative council for the purpose of reimbursing commission  
4 members and staff for travel necessary to carry out commission duties as provided in section 1  
5 of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.

6       **SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that  
7 date is ineffective.

8       **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.



PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1139-1141 of the House Journal and that Engrossed Senate Bill No. 2135 be amended as follows:

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and"

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, remove "Three members of the legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "Three members of the house of representatives appointed by the majority leader of the house of representatives, and three members of the senate, one of whom must be a member of the minority party, appointed by the majority leader of the senate"

Page 2, line 3, remove "member of a tribal nation appointed by the executive director of the Indian"

Page 2, line 4, replace "affairs commission" with "individual appointed as a nonvoting member by the secretary of state"

Page 2, line 5, replace "Three" with "Six"

Page 2, line 5, after "governor" insert ", who shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, remove "; and"

Page 2, line 10, remove:

- "i. One individual appointed by North Dakota united"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a board member or employee of an organization identified in subdivisions e through h of subsection 3, or an employee of the governor's office."

5."

Page 2, line 12, after the period insert "A vacancy must be filled by an individual who satisfies the criterion for the vacant position, such that the requirements in subsection 3 are met throughout the existence of the commission."

Page 2, line 13, replace "5." with "6."

Page 2, line 14, replace "6." with "7."

Page 2, line 18, after the period insert "The expenses of the commission are to be paid by the legislative council."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2135

Introduced by

Senators Hogue, Klein, Wardner

Representatives Carlson, K. Koppelman, Vigesaa

1 A BILL for an Act to provide for the creation of an initiated and referred measure study  
2 commission; to provide for a report to the legislative management; to provide an  
3 ~~appropriation~~ expiration date; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. INITIATED AND REFERRED MEASURE STUDY COMMISSION - DUTIES -**  
6 **MEMBERSHIP - REPORT TO LEGISLATIVE MANAGEMENT.**

- 7 1. During the 2017-18 interim, an initiated and referred measure study commission shall  
8 undertake a comprehensive study of the initiated and referred measure laws of North  
9 Dakota. The commission shall study, among other subjects:
- 10 a. The process and cost of placing initiated and referred measures on the ballot and  
11 campaigning in support of or opposition to ballot measures in North Dakota;  
12 b. The processes used to place initiated and referred measures on the ballot in  
13 other states; ~~and~~  
14 c. Whether any provision of the state constitution or state law relating to initiated or  
15 referred measures should be amended. If an amendment is warranted, the  
16 commission shall prepare a draft resolution to amend the constitution or a draft  
17 bill to amend the state law for consideration by the next legislative assembly; and  
18 d. The effect of out-of-state funding on the initiated and referred measure process  
19 and whether limits on out-of-state funding are necessary.
- 20 2. The commission shall hold at least four meetings and report its findings and any  
21 recommendations, together with any legislation required to implement the  
22 recommendations, to the legislative management before September 1, 2018.  
23 3. The commission must consist of:



- 1 a. One individual appointed by the chief justice of the supreme court, who shall
- 2 serve as the commission chairman;
- 3 b. ~~Three members of the legislative assembly, at least one of whom is a member of~~
- 4 ~~the minority party, appointed by the legislative management~~Three members of
- 5 the house of representatives appointed by the majority leader of the house of
- 6 representatives, and three members of the senate, one of whom must be a
- 7 member of the minority party, appointed by the majority leader of the senate;
- 8 c. One ~~member of a tribal nation appointed by the executive director of the Indian~~
- 9 ~~affairs commission~~individual appointed as a nonvoting member by the secretary
- 10 of state;
- 11 d. ~~Three~~Six citizen members appointed by the governor, who shall provide public
- 12 notice of available citizen positions on the commission and establish a procedure
- 13 for submission of applications;
- 14 e. One individual appointed by the greater North Dakota chamber;
- 15 f. One individual appointed by the North Dakota newspaper association;
- 16 g. One individual appointed by the North Dakota farm bureau; and
- 17 h. One individual appointed by the North Dakota farmers union; ~~and~~
- 18 ~~i. One individual appointed by North Dakota United.~~
- 19 4. A citizen member appointed to the commission by the governor may not be an elected
- 20 or appointed official, a board member or employee of an organization identified in
- 21 subdivisions e through h of subsection 3, or an employee of the governor's office.
- 22 5. The chairman of the legislative management committee may fill any vacancy on the
- 23 commission. A vacancy must be filled by an individual who satisfies the criterion for the
- 24 vacant position, such that the requirements in subsection 3 are met throughout the
- 25 existence of the commission.
- 26 ~~5.6.~~ The commission may request appropriate staff services from the legislative council.
- 27 ~~6.7.~~ Commission members are entitled to mileage and expenses as provided by law for
- 28 state officers and employees. Commission members who are members of the
- 29 legislative assembly also are entitled to compensation for attendance at commission
- 30 meetings at the rate provided for members of the legislative assembly for attendance

1 at interim committee meetings. The expenses of the commission are to be paid by the  
2 the legislative council.

3 **SECTION 2. APPROPRIATION.** ~~There is appropriated out of any moneys in the general~~  
4 ~~fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the~~  
5 ~~sum as may be necessary, to the legislative council for the purpose of reimbursing commission~~  
6 ~~members and staff for travel necessary to carry out commission duties as provided in section 1~~  
7 ~~of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.~~

8 **SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that  
9 date is ineffective.

10 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

# PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1139-1141 of the House Journal and that Engrossed Senate Bill No. 2135 be amended as follows:

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and"

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, remove "Three members of the legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "Three members of the house of representatives appointed by the majority leader of the house of representatives, and three members of the senate, one of whom must be a member of the minority party, appointed by the majority leader of the senate"

Page 2, line 3, remove "member of a tribal nation appointed by the executive director of the Indian"

Page 2, line 4, replace "affairs commission" with "individual appointed as a nonvoting member by the secretary of state"

Page 2, line 5, replace "Three" with "Seven"

Page 2, line 5, after "governor" insert ", who shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications. One of the seven must be a member of an association that represents employees and their interests"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, remove "; and"

Page 2, line 10, remove:

- "i. One individual appointed by North Dakota united"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a board member or employee of an organization identified in subdivisions e through h of subsection 3, or an employee of the governor's office."

5."

Page 2, line 12, after the period insert "A vacancy must be filled by an individual who satisfies the criterion for the vacant position, such that the requirements in subsection 3 are met throughout the existence of the commission."



Page 2, line 13, replace "5." with "6."

Page 2, line 14, replace "6." with "7."

Page 2, line 18, after the period insert "The expenses of the commission are to be paid by the legislative council."

8. All appointments of commission members must be completed within sixty days after the effective date of this Act."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

17.0399.07015

## FIRST ENGROSSMENT

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2135

Introduced by

Senators Hogue, Klein, Wardner

Representatives Carlson, K. Koppelman, Vigesaa

- 1 A BILL for an Act to provide for the creation of an initiated and referred measure study  
2 commission; to provide for a report to the legislative management; to provide an  
3 ~~appropriation~~expiration date; and to declare an emergency.

## 4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 SECTION 1. INITIATED AND REFERRED MEASURE STUDY COMMISSION - DUTIES -  
6 MEMBERSHIP - REPORT TO LEGISLATIVE MANAGEMENT.

- 7 1. During the 2017-18 interim, an initiated and referred measure study commission shall  
8 undertake a comprehensive study of the initiated and referred measure laws of North  
9 Dakota. The commission shall study, among other subjects:
- 10 a. The process and cost of placing initiated and referred measures on the ballot and  
11 campaigning in support of or opposition to ballot measures in North Dakota;  
12 b. The processes used to place initiated and referred measures on the ballot in  
13 other states; ~~and~~  
14 c. Whether any provision of the state constitution or state law relating to initiated or  
15 referred measures should be amended. If an amendment is warranted, the  
16 commission shall prepare a draft resolution to amend the constitution or a draft  
17 bill to amend the state law for consideration by the next legislative assembly; and  
18 d. The effect of out-of-state funding on the initiated and referred measure process  
19 and whether limits on out-of-state funding are necessary.
- 20 2. The commission shall hold at least four meetings and report its findings and any  
21 recommendations, together with any legislation required to implement the  
22 recommendations, to the legislative management before September 1, 2018.  
23 3. The commission must consist of:

- 1 a. One individual appointed by the chief justice of the supreme court, who shall
- 2 serve as the commission chairman;
- 3 b. ~~Three members of the legislative assembly, at least one of whom is a member of~~
- 4 ~~the minority party, appointed by the legislative management~~Three members of
- 5 the house of representatives appointed by the majority leader of the house of
- 6 representatives, and three members of the senate, one of whom must be a
- 7 member of the minority party, appointed by the majority leader of the senate;
- 8 c. ~~One member of a tribal nation appointed by the executive director of the Indian~~
- 9 ~~affairs commission~~individual appointed as a nonvoting member by the secretary
- 10 of state;
- 11 d. ~~Three~~Seven citizen members appointed by the governor, who shall provide public
- 12 notice of available citizen positions on the commission and establish a procedure
- 13 for submission of applications. One of the seven must be a member of an
- 14 association that represents employees and their interests;
- 15 e. One individual appointed by the greater North Dakota chamber;
- 16 f. One individual appointed by the North Dakota newspaper association;
- 17 g. One individual appointed by the North Dakota farm bureau; and
- 18 h. One individual appointed by the North Dakota farmers union; ~~and~~
- 19 ~~i. One individual appointed by North Dakota United.~~
- 20 4. A citizen member appointed to the commission by the governor may not be an elected
- 21 or appointed official, a board member or employee of an organization identified in
- 22 subdivisions e through h of subsection 3, or an employee of the governor's office.
- 23 5. The chairman of the legislative management committee may fill any vacancy on the
- 24 commission. A vacancy must be filled by an individual who satisfies the criterion for the
- 25 vacant position, such that the requirements in subsection 3 are met throughout the
- 26 existence of the commission.
- 27 ~~5-6.~~ The commission may request appropriate staff services from the legislative council.
- 28 ~~6-7.~~ Commission members are entitled to mileage and expenses as provided by law for
- 29 state officers and employees. Commission members who are members of the
- 30 legislative assembly also are entitled to compensation for attendance at commission
- 31 meetings at the rate provided for members of the legislative assembly for attendance



1 at interim committee meetings. The expenses of the commission are to be paid by the  
2 the legislative council.

3 8. All appointments of commission members must be completed within sixty days after  
4 the effective date of this Act.

5 **SECTION 2. APPROPRIATION.** ~~There is appropriated out of any moneys in the general~~  
6 ~~fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the~~  
7 ~~sum as may be necessary, to the legislative council for the purpose of reimbursing commission~~  
8 ~~members and staff for travel necessary to carry out commission duties as provided in section 4~~  
9 ~~of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.~~

10 **SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that  
11 date is ineffective.

12 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.